Pamphlet 2

MISSISSIPPI

ADVANCE SHEETS

2021 Legislative Session
General Laws

LexisNexis

MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2021

Regular Session

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PREFACE

Contents; publication schedule.

The 2021 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2021 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2021 Regular Session. This pamphlet, the second in the series, contains the second 60 general bills that have become law. The third and fourth pamphlets will contain the remainder of the acts from the 2021 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 2 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated*.

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2021 Legislative Session.

Any such changes will be reflected in the 2021 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 555 Middle Creek Parkway, Colorado Springs, CO 80921.

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Summary of Acts

HB/SB		Page
HB0070	Autopsies; provide for confidentiality of photographs and video and audio recordings with exceptions.	1
HB0087	MDHS fraud investigators; provide they shall be law enforcement officers.	
HB0106	State budget; revise provisions in several FY21 appropriation bills.	
HB0136	Individual bond; require for public officers and employees handling or having the custody of public funds.	
HB0160	State Department of Health and State Board of Health; extend repealer on.	
HB0294	Hospices; delete repealer on authority for prescribing certain drugs without in-person visit with a patient.	
HB0341	Motor carrier safety improvements; prohibit consideration of deployment of in determining an individual's employment status with motor carrier.	
HB0425	Ad valorem tax; revise certain provisions regarding when an application for change of property assessment may be made.	
HB0488	Libraries; authorize use of debit and credit cards.	
HB0500	Mississippi Home Corporation; extend reverter on authority to issue a certain amount of bonds.	
HB0504	Commission on School Accreditation; clarify membership composition.	
HB0511	Amusement ride operating permit decal; revise period for issuance.	
HB0512	ABC agents/inspectors; revise certain provisions regarding powers of.	
HB0550	Intermediate driver's license; delete all references to.	
HB0551	Driver's license; require Department of Public Safety to allow official identifying document of MDOC to suffice for.	
HB0576	Local System Bridge Replacement & Rehabilitation Fund; revise allocation formula.	
HB0628	Highway privilege tax; add a gross vehicle weight category for carriers of property with additional tax.	
HB0633	Computer science curriculum; require State Department of Education to implement in K-12 public schools.	
HB0667	Alcoholic beverages; delete requirement for immediate permit revocation for certain prohibited sales.	
HB0852	Teachers' and teacher's assistants' salaries; provide increase to minimum salary.	
HB0872	Memorial highway; designate a segment of United States Highway 61 in Jefferson County as the "Highway Patrol Lieutenant Troy Morris Memorial Highway."	

HB/SB		Page
HB0887	Memorial highway; designate a segment of United States Highway 82 in Webster County as "Corporal William Justin Cooper Memorial Highway."	
HB0945	Light wine, beer and light spirit product; revise number of qualified electors required to petition for election to prohibit or authorize.	
HB0953	Homeowners' associations; regulate managing agents of and require financial reviews by.	
HB0974	DPS; revise law regarding.	
HB0995	Memorial highway; designate segment in Marshall County, Mississippi as the "Representative Tommy Woods Memorial Highway."	
HB1047	Nationally certified licensed school employees; delete caps on nurses and speech pathologists and add athletic trainers for salary supplements.	
HB1048	Qualification deadline; change to February 1 for certain statewide, state district, county and county district offices.	
HB1062	Daylight saving time; observe year-round if federal law is amended to allow it.	
HB1075	MS Credit Availability Act, Title Pledge Act, and Check Cashers Act; extend or remove repealer on certain provisions of.	
HB1123	Early Learning Collaborative Act of 2013; revise funding and specify teaching standards.	
HB1211	Administrative hearing procedures for Commission on Marine Resources; revise to authorize executive director of Department of Marine Resources to make final decisions during.	
HB1263	Occupational licensing; provide for recognition of out-of-state licenses if applicants satisfy certain conditions.	
HB1323	Open meeting; authorize executive session for discussion of plans to combat human trafficking and commercial sexual exploitation of children.	
HB1326	Compact for a Balanced Budget; revise delegate membership and extend sunset provision.	
HB1356	Income tax; revise deduction for depreciation regarding certain aircraft and equipment.	
HB1420	Ad valorem tax; exempt property of certain not-for-profit corporations used to provide swimming lessons and training.	
SB2294	Veteran Driver's License Designation; allow proof of military service in person.	
SB2336	MS First Responders Health and Safety Act; delay effective date of.	
SB2373	Motor fuel sales; provide immunity for damages caused by the use of incompatible fuel upon certain conditions.	
SB2392	County port and harbor commission; provide for holdover of appointees.	
SB2419	State Medical Examiner fees; extend repealer on.	
SB2420	Temporary license for social workers; authorize to practice in nonprofit facilities.	

HB/SB Page

SB2481 Memorial highways; designate various segments.

SB2552 Pretrial Intervention Program; prohibit eligibility for persons charged with public embezzlement over a certain amount.

SB2603 Salvage or abandoned vehicles; authorize disposition by auction firms on behalf of insurers.

SB2605 Golf carts and low-speed vehicles; authorize municipalities to permit operation on municipal streets.

SB2606 Mississippi Native Spirit Law; create.

SB2626 MS Business Corporation Act; amend to allow corporations to hold annual or special shareholder meetings remotely.

SB2630 County law library; authorize use of money for technological purposes.

SB2643 Service of tax sale notices; revise to allow service by a constable.

SB2648 MS Geologic Sequestration of Carbon Dioxide Act; Oil and Gas Board shall have jurisdiction to enforce provisions of.

SB2651 Surplus property; clarify current policy to conform with federal regulations for the Department of Finance and Administration.

SB2746 Hudson's Law; require healthcare providers to provide information to parents who receive a postnatal diagnosis of a chromosomal disorder.

SB2750 Pharmacy practice; revise definition of "written guideline or protocol" regarding location of delegated prescribing functions.

SB2751 Mississippi Professional Massage Therapy Act; provide new requirements and extend the repealer thereon.

SB2759 Temporary Assistance for Needy Families; increase the monthly amount.

SB2785 Driver's license requirements; exempt military members, spouses and dependent children under certain conditions.

SB2788 Radar speed detection; revise provisions concerning use by Highway Patrol and municipal law enforcement in certain cities.

SB2824 State agencies; require annual reporting of pass-through money from line-item appropriation by the Legislature.

SB2827 Public purchases; specify prequalification process for construction manager at risk soliciting bids for projects.

ALCOHOLIC BEVERAGES
Charter vessel operator's permit created. **HB 1288**
Mississippi native spirit law enacted regarding beverages produced in state for sale from ingredients grown or produced in state. **SB 2606**
ALL FUELS ACT OF 2021
Prohibition of connection or reconnection of utility service based on type or source of energy prohibited. **HB 632**
ALZHEIMER'S DISEASE OR RELATED DEMENTIA
Jimmy Kaigler Alzheimer's Support Act, enacted, creating dementia care program within department of human services. **SB 2221**
BICYCLES
Electric bicycles regulated. **HB 1195**
CHRISTIAN'S LAW
Autopsy media records considered confidential. **HB 70**
COLLEGES AND UNIVERSITIES
Designation of athletic teams according to biological sex. **SB 2536**
DRIVERS' LICENSES
Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**
DRONES
Unmanned aircraft systems protection act of 2021, enactment to protect critical infrastructure or correctional facilities. **HB 974**
DRUGS AND CONTROLLED SUBSTANCES
Pseudoephedrine or ephedrine products, quantity authorized for sale without prescription. **SB 2119**
EMPOWERING REENTRY THROUGH LICENSING ACT
Issuance of provisional driver's license upon release from incarceration. **HB 551**
FIREARMS AND OTHER WEAPONS
Concealed weapons license issuance to active duty law enforcement officers and exemption for officers from license fees. **HB 886**
Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**
Law enforcement officer permitted to retain sidearm as personal property upon retirement. **HB 508**
FLAGS
New state flag design selected and approved. **HB 1**

GAS STATIONS
Retailer liability for damages caused by use of incompatible motor fuel dispensed at retail site. **SB 2373**
HOME INSPECTORS
Criminal background check added as requirement of licensure. **HB 352**
HUDSON'S LAW
Prenatal testing for chromosomal disorder, information to be provided to expectant or new parent. **SB 2746**
IDENTIFICATION CARDS
Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**
Tribal identification cards as legal form of personal identification. **HB 277**
LIBRARIES
School library provisions repealed. **HB 487**
MANUFACTURED AND MOBILE HOMES
Disposition of abandoned homes. **HB 955**
MOTOR VEHICLES
Dealers and manufacturers, obligations regarding rates for parts and labor on motor vehicle warranty work. **HB 746**
Electric bicycles regulated. **HB 1195**
MUNICIPALITIES
Golf carts and low-speed vehicles, operation on public roads and streets may be authorized by ordinance. **SB 2605**
NATIVE AMERICANS
Tribal identification cards as legal form of personal identification. **HB 277**
PHARMACISTS AND PHARMACIES
Pseudoephedrine or ephedrine products, quantity authorized for sale without prescription. **SB 2119**
PUBLIC UTILITIES
Prohibition of connection or reconnection of service based on type or source of energy prohibited. **HB 632**
SCHOOLS AND EDUCATION
Computer science and cyber education equality act enacted to implement computer science curriculum in public schools. **HB 633**
Designation of athletic teams according to biological sex. **SB 2536**
SUNSHINE PROTECTION ACT

Daylight saving time, adoption as year-round standard to conform with federal laws, if amended to observe year-round. **HB 1062**

TELEMEDICINE

Revision of requirements for remote patient monitoring services. **HB 200**

UNIVERSAL RECOGNITION OF OCCUPATIONAL LICENSES ACT

Enacted to allow applicant holding license in good standing from another state to be licensed at same practice level after meeting certain requirements. **HB 1263**

UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021

Enactment to protect critical infrastructure or correctional facilities. **HB 974**

VETERANS

Veterans affairs board authorization to move Persian Gulf War Memorial to another location. **HB 189**

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
1-3-27	Brought forward		hb0429	2	1
1-3-41	Brought forward		hb0429	3	1
1-3-42	Added		hb0277	1	1
1-5-7	Amended		hb1177	1	1
3-3-16	Added		hb0001	1	1
3-7-1	Amended		hb1326	1	2
17-17-227	Amended		hb0949	1	1
17-17-229	Amended		hb0949	2	1
17-17-237	Added		hb0949	3	1
17-17-403	Amended		hb1195	2	1
19-3-85	Amended		hb0955	13	1
19-5-303	Reenacted		hb0074	1	1
19-5-313	Reenacted		hb0074	2	1
19-5-319	Reenacted		hb0074	3	1
19-5-331	Reenacted		hb0074	4	1
19-5-333	Reenacted		hb0074	5	1
19-5-335	Reenacted		hb0074	6	1
19-5-337	Reenacted		hb0074	7	1
19-5-339	Reenacted		hb0074	8	1
19-5-341	Reenacted		hb0074	9	1
19-5-353	Reenacted		hb0074	10	1
19-5-357	Reenacted		hb0074	11	1
19-5-359	Reenacted		hb0074	12	1
19-5-361	Reenacted		hb0074	13	1
19-5-371	Amended		hb0074	14	1
19-7-31	Amended		sb2630	1	2
21-23-7	Amended		hb0354	1	1
21-37-3	Amended		hb1195	3	1
23-15-213	Amended		hb1048	2	2
23-15-299	Amended		hb1048	1	2
23-15-309	Brought Forward		hb1048	3	2
23-15-977	Amended		hb1048	4	2
23-17-42	Added		hb1177	2	1
25-1-87	Amended		hb0974	20	2
25-9-107	Amended		hb0069	1	1
25-9-127	Amended		hb1213	1	1
25-15-103	Amended		sb2189	1	1
25-15-409	Amended		sb2336	1	2
25-41-3	Brought forward		hb1323	2	2
25-41-7	Amended		hb1323	1	2
25-61-5	Amended		sb2809	1	1
25-61-9	Brought forward		sb2827	2	2
27-3-51	Amended		hb0516	1	1
27-4-3	Amended		sb2606	15	2
27-7-17	Amended		hb1356	1	2
27-19-3	Amended		hb1195	4	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
27-19-3	Amended		sb2605	4	2
27-19-11	Amended		hb0628	1	2
27-19-31	Amended		hb0519	1	1
27-19-99	Amended		hb1284	1	1
27-19-155	Amended		hb1284	2	1
27-19-179	Amended		hb1284	3	1
27-31-1	Amended		hb1420	1	2
27-35-50	Amended		hb1137	1	1
27-35-143	Amended		hb0425	1	2
27-43-3	Amended		sb2643	1	2
27-45-5	Brought forward		sb2643	2	2
27-51-5	Amended		hb1195	5	1
27-51-5	Amended		sb2605	5	2
27-71-5	Amended		hb1288	2	1
27-71-5	Amended		sb2606	16	2
27-71-7	Amended		sb2606	17	2
27-71-21	Amended		sb2606	18	2
27-77-1	Amended		sb2606	19	2
27-77-17	Amended		sb2606	20	2
27-104-7	Amended		sb2021	3	1
27-104-7	Amended		hb0974	7	2
27-104-205	Amended		hb1284	4	1
27-104-205	Amended		hb0106	7	2
27-115-73	Amended		hb0277	3	1
29-5-69	Amended		hb0974	21	2
29-5-77	Repealed		hb0974	23	2
31-7-13.2	Amended		sb2827	1	2
31-7-124	Amended		hb0357	1	1
35-1-43	Amended		hb0189	1	1
35-3-21	Amended		sb2165	1	1
37-3-2	Amended		hb1263	2	2
37-5-9	Brought Forward		hb1048	5	2
37-13-171	Amended		hb0633	8	2
37-17-3	Amended		hb0504	1	2
37-19-7	Amended		hb0852	1	2
37-19-7	Amended		hb1047	1	2
37-21-7	Amended		hb0852	2	2
37-21-51	Amended		hb1123	1	2
37-55-5	Repealed		hb0487	1	1
37-151-103	Amended		sb2149	1	1
37-159-1	Amended		hb0135	1	1
37-159-5	Reenacted		hb0135	2	1
37-159-7	Amended		hb0135	3	1
37-159-9	Reenacted		hb0135	4	1
37-159-11	Reenacted		hb0135	5	1
37-159-13	Reenacted		hb0135	6	1
37-159-17	Reenacted		hb0135	7	1
37-159-19	Amended		hb0135	8	1
39-3-21	Amended		hb0488	1	2
39-3-369	Brought forward		hb0488	2	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
41-3-1.1	Reenacted		hb0160	1	2
41-3-3	Reenacted		hb0160	2	2
41-3-4	Reenacted		hb0160	3	2
41-3-5.1	Reenacted		hb0160	4	2
41-3-6	Reenacted		hb0160	5	2
41-3-15	Reenacted		hb0160	6	2
41-3-16	Reenacted		hb0160	7	2
41-3-17	Reenacted		hb0160	8	2
41-3-18	Reenacted		hb0160	9	2
41-3-19	Reenacted		hb0160	10	2
41-3-20	Amended		hb0160	11	2
41-7-191	Amended		hb0160	12	2
41-20-3	Amended		sb2021	1	1
41-20-7	Amended		sb2021	2	1
41-29-112	Amended		hb0974	6	2
41-29-113	Amended		hb1034	1	1
41-29-115	Amended		hb1034	2	1
41-29-117	Amended		sb2119	2	1
41-29-119	Amended		hb1034	3	1
41-29-137	Amended		hb0294	2	2
41-29-137.1	Amended		hb0294	1	2
41-37-25	Amended		hb0286	2	1
41-39-117	Amended		hb0286	3	1
41-61-53	Amended		hb0974	8	2
41-61-55	Amended		hb0974	9	2
41-61-65	Amended		hb0974	10	2
41-61-66	Added		hb0070	1	2
41-61-75	Amended		sb2419	1	2
41-61-75	Amended		hb0974	11	2
41-61-77	Amended		hb0974	12	2
41-85-7	Amended		hb0294	3	2
43-1-23	Amended		hb0087	1	2
43-17-5	Amended		sb2759	1	2
43-21-605	Amended		sb2282	1	1
43-33-729	Amended		hb0500	1	2
45-1-2	Amended		hb0974	1	2
45-1-3	Amended		hb0974	3	2
45-1-6	Amended		hb0974	5	2
45-3-9	Amended		hb0974	13	2
45-3-45	Amended		hb0974	14	2
45-6-3	Amended		hb0974	4	2
45-9-101	Amended		hb0886	1	1
45-9-101	Amended		sb2253	1	1
45-9-101	Amended		hb0277	4	1
45-33-43	Amended		hb0550	1	2
45-35-13	Amended		hb0277	16	1
45-49-3	Amended		hb0511	1	2
47-5-157	Amended		hb0551	7	2
47-7-33.1	Amended		hb0551	8	2
49-7-3	Amended		hb0277	5	1
49-15-63	Amended		hb1211	10	2
49-15-323	Amended		hb1211	9	2
49-15-401	Amended		hb1211	1	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
49-15-403	Amended		hb1211	2	2
49-15-405	Amended		hb1211	3	2
49-15-407	Amended		hb1211	4	2
49-15-409	Amended		hb1211	5	2
49-15-411	Amended		hb1211	6	2
49-15-413	Amended		hb1211	7	2
49-15-415	Amended		hb1211	8	2
53-11-3	Amended		sb2648	1	2
53-11-5	Amended		sb2648	2	2
53-11-7	Amended		sb2648	3	2
53-11-23	Amended		sb2648	4	2
57-1-16	Amended		hb1230	1	1
57-1-221	Amended		hb1230	2	1
57-62-5	Amended		sb2521	1	1
57-93-1	Amended		hb1230	3	1
57-105-1	Amended		hb0499	1	1
59-11-3	Amended		sb2392	1	2
63-1-5	Amended		hb0550	2	2
63-1-7	Amended		sb2785	1	2
63-1-9	Amended		hb0550	3	2
63-1-10.1	Amended		hb0550	4	2
63-1-21	Amended		hb0550	5	2
63-1-23	Amended		hb0550	6	2
63-1-35	Amended		sb2294	1	2
63-1-35	Amended		hb0550	7	2
63-1-43	Amended		hb0550	8	2
63-1-47	Amended		hb0550	9	2
63-3-103	Amended		hb1195	6	1
63-3-519	Amended		sb2788	1	2
63-3-1315	Added		hb1195	1	1
63-15-3	Amended		hb1195	7	1
63-17-55	Amended		hb0746	1	1
63-17-55	Amended		hb1195	8	1
63-17-85	Amended		hb0746	2	1
63-17-86	Added		hb0746	3	1
63-17-155	Amended		sb2605	6	2
63-17-155	Amended		hb1195	9	1
63-19-3	Amended		hb1195	10	1
63-21-5	Amended		hb1195	11	1
63-21-17	Amended		hb0510	1	1
63-21-39	Amended		hb0277	6	1
63-31-3	Amended		hb1195	12	1
65-37-1	Amended		hb0576	1	2
65-37-3	Amended		hb0576	2	2
65-37-7	Amended		hb0576	3	2
65-37-11	Amended		hb0576	4	2
65-37-15	Amended		hb0576	5	2
67-1-5	Amended		sb2606	7	2
67-1-7	Amended		sb2606	8	2
67-1-13	Amended		sb2606	9	2
67-1-31	Amended		hb0512	1	2
67-1-32	Added		hb0508	1	1
67-1-37	Amended		sb2606	10	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
67-1-41	Amended		sb2606	11	2
67-1-45	Amended		sb2606	12	2
67-1-51	Amended		hb1288	1	1
67-1-51	Amended		sb2606	13	2
67-1-73	Amended		sb2606	14	2
67-1-83	Amended		hb0667	1	2
67-3-7	Amended		hb0945	1	2
67-3-9	Amended		hb0945	2	2
67-3-69	Amended		hb0277	7	1
67-11-1	Added		sb2606	1	2
67-11-3	Added		sb2606	2	2
67-11-5	Added		sb2606	3	2
67-11-7	Added		sb2606	4	2
67-11-9	Added		sb2606	5	2
67-11-11	Added		sb2606	6	2
69-5-1	Amended		sb2076	1	1
69-5-3	Reenacted		sb2076	2	1
69-5-7	Reenacted		sb2076	3	1
69-5-8	Reenacted		sb2076	4	1
69-5-11	Reenacted		sb2076	5	1
69-5-13	Reenacted		sb2076	6	1
69-5-15	Reenacted		sb2076	7	1
69-5-27	Reenacted		sb2076	8	1
69-5-29	Reenacted		sb2076	9	1
69-5-31	Reenacted		sb2076	10	1
69-5-33	Repealed		sb2076	11	1
69-7-101	Amended		hb0312	1	1
69-7-103	Repealed		hb0312	6	1
69-7-105	Repealed		hb0312	7	1
69-7-107	Repealed		hb0312	8	1
69-7-109	Amended		hb0312	2	1
69-7-111	Repealed		hb0312	9	1
69-7-113	Amended		hb0312	3	1
69-7-115	Amended		hb0312	4	1
69-7-117	Repealed		hb0312	10	1
69-7-119	Repealed		hb0312	11	1
69-7-121	Amended		hb0312	5	1
71-5-11	Amended		sb2124	1	1
71-5-355	Amended		sb2124	5	1
71-5-363	Amended		sb2124	3	1
71-5-365	Amended		sb2124	2	1
71-5-389	Amended		sb2124	4	1
71-5-506	Amended		hb0509	1	1
73-1-21	Amended		hb1263	3	2
73-2-11	Amended		hb1263	4	2
73-4-23	Amended		hb1263	5	2
73-5-21	Amended		hb1263	6	2
73-6-1	Reenacted		hb0073	1	1
73-6-3	Reenacted		hb0073	2	1
73-6-5	Reenacted		hb0073	3	1
73-6-7	Reenacted		hb0073	4	1
73-6-9	Reenacted		hb0073	5	1
73-6-11	Reenacted		hb0073	6	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-6-13	Reenacted		hb0073	7	1
73-6-13	Amended		hb1263	7	2
73-6-14	Reenacted		hb0073	8	1
73-6-15	Amended		hb0073	9	1
73-6-17	Reenacted		hb0073	10	1
73-6-18	Reenacted		hb0073	11	1
73-6-19	Reenacted		hb0073	12	1
73-6-23	Reenacted		hb0073	13	1
73-6-25	Reenacted		hb0073	14	1
73-6-27	Reenacted		hb0073	15	1
73-6-29	Reenacted		hb0073	16	1
73-6-31	Reenacted		hb0073	17	1
73-6-33	Amended		hb0073	18	1
73-7-23	Amended		hb1263	8	2
73-9-24	Amended		hb1263	9	2
73-10-15	Amended		hb1263	10	2
73-11-33	Amended		sb2098	21	1
73-11-41	Reenacted		sb2098	1	1
73-11-43	Reenacted		sb2098	2	1
73-11-45	Reenacted		sb2098	3	1
73-11-47	Reenacted		sb2098	4	1
73-11-49	Reenacted		sb2098	5	1
73-11-51	Reenacted		sb2098	6	1
73-11-51	Amended		hb1263	11	2
73-11-53	Reenacted		sb2098	7	1
73-11-55	Reenacted		sb2098	8	1
73-11-56	Reenacted		sb2098	9	1
73-11-57	Reenacted		sb2098	10	1
73-11-57.1	Reenacted		sb2098	11	1
73-11-58	Reenacted		sb2098	12	1
73-11-59	Reenacted		sb2098	13	1
73-11-61	Reenacted		sb2098	14	1
73-11-63	Reenacted		sb2098	15	1
73-11-65	Reenacted		sb2098	16	1
73-11-67	Reenacted		sb2098	17	1
73-11-69	Amended		sb2098	18	1
73-11-71	Reenacted		sb2098	19	1
73-11-73	Reenacted		sb2098	20	1
73-13-35	Amended		hb1263	12	2
73-14-25	Amended		hb1263	13	2
73-15-19	Amended		hb1263	14	2
73-15-21	Amended		hb1263	15	2
73-17-11	Amended		hb1263	16	2
73-19-1	Amended		hb1302	1	1
73-19-25	Amended		hb1263	17	2
73-19-27	Amended		hb1302	2	1
73-19-157	Amended		hb1302	3	1
73-21-73	Amended		sb2750	1	2
73-21-87	Amended		hb1263	18	2
73-23-51	Amended		hb1263	19	2
73-23-53	Amended		hb1263	20	2
73-24-21	Amended		hb1263	21	2
73-25-21	Amended		hb1263	22	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-25-38	Amended		hb0072	1	1
73-27-5	Amended		hb1263	23	2
73-29-19	Amended		hb1263	24	2
73-30-15	Amended		hb1263	25	2
73-31-1	Reenacted		hb0208	1	1
73-31-3	Reenacted		hb0208	2	1
73-31-5	Amended		hb0208	3	1
73-31-7	Reenacted		hb0208	4	1
73-31-9	Reenacted		hb0208	5	1
73-31-11	Reenacted		hb0208	6	1
73-31-13	Amended		hb0208	7	1
73-31-14	Reenacted		hb0208	8	1
73-31-14	Amended		hb1263	26	2
73-31-15	Reenacted		hb0208	9	1
73-31-15	Amended		hb1263	27	2
73-31-17	Reenacted		hb0208	10	1
73-31-19	Reenacted		hb0208	11	1
73-31-21	Reenacted		hb0208	12	1
73-31-23	Reenacted		hb0208	13	1
73-31-25	Reenacted		hb0208	14	1
73-31-27	Reenacted		hb0208	15	1
73-31-29	Reenacted		hb0208	16	1
73-31-31	Amended		hb0208	17	1
73-33-9	Amended		hb1263	28	2
73-34-51	Amended		hb1263	29	2
73-35-7	Amended		hb1263	30	2
73-35-13	Amended		hb1263	31	2
73-36-31	Amended		hb1263	32	2
73-38-23	Amended		hb1263	33	2
73-39-71	Amended		hb1263	34	2
73-50-2	Added		hb1263	1	2
73-53-13	Amended		hb1263	35	2
73-54-23	Amended		sb2420	1	2
73-54-23	Amended		hb1263	36	2
73-60-11	Amended		hb0352	2	1
73-60-25	Amended		hb1263	37	2
73-60-31	Amended		hb0352	3	1
73-60-47	Added		hb0352	1	1
73-63-39	Amended		hb1263	38	2
73-65-7	Amended		hb1263	39	2
73-67-15	Amended		sb2751	1	2
73-67-17	Amended		sb2751	2	2
73-67-19	Amended		sb2751	3	2
73-67-21	Amended		sb2751	4	2
73-67-25	Amended		hb1263	40	2
73-67-35	Amended		sb2751	5	2
73-67-39	Amended		sb2751	6	2
73-69-11	Amended		hb1263	41	2
73-71-21	Amended		hb1263	42	2
73-73-11	Amended		hb1263	43	2
73-75-15	Amended		hb1263	44	2
75-9-503	Amended		hb0277	8	1
75-24-15	Amended		sb2293	1	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
75-24-29	Amended		hb0277	9	1
75-24-351	Reenacted		sb2324	1	1
75-24-353	Reenacted		sb2324	2	1
75-24-355	Reenacted		sb2324	3	1
75-24-357	Reenacted		sb2324	4	1
75-24-359	Amended		sb2324	5	1
75-67-305	Amended		hb0277	10	1
75-67-403	Reenacted		hb1075	20	2
75-67-505	Reenacted		hb1075	21	2
75-67-601	Reenacted		hb1075	1	2
75-67-603	Reenacted		hb1075	2	2
75-67-605	Reenacted		hb1075	3	2
75-67-607	Reenacted		hb1075	4	2
75-67-609	Reenacted		hb1075	5	2
75-67-611	Reenacted		hb1075	6	2
75-67-613	Reenacted		hb1075	7	2
75-67-615	Reenacted		hb1075	8	2
75-67-617	Reenacted		hb1075	9	2
75-67-619	Reenacted		hb1075	10	2
75-67-621	Reenacted		hb1075	11	2
75-67-623	Reenacted		hb1075	12	2
75-67-625	Reenacted		hb1075	13	2
75-67-627	Reenacted		hb1075	14	2
75-67-629	Reenacted		hb1075	15	2
75-67-631	Reenacted		hb1075	16	2
75-67-633	Reenacted		hb1075	17	2
75-67-635	Reenacted		hb1075	18	2
75-67-637	Reenacted		hb1075	19	2
75-67-639	Amended		hb1075	22	2
75-95-5	Amended		hb0277	11	1
77-3-721	Amended		hb0100	1	1
79-4-7.01	Amended		sb2626	1	2
79-4-7.02	Amended		sb2626	2	2
79-4-7.05	Amended		sb2626	3	2
79-29-215	Amended		sb2204	5	1
79-35-5	Amended		sb2204	1	1
79-35-6	Amended		sb2204	2	1
79-35-9	Amended		sb2204	3	1
79-35-10	Amended		sb2204	4	1
83-1-191	Amended		sb2332	1	1
83-9-353	Amended		hb0200	1	1
83-11-551	Amended		sb2603	1	2
93-1-5	Amended		hb0277	12	1
93-19-13	Amended		hb0429	1	1
93-21-107	Amended		hb0695	1	1
93-29-13	Amended		hb0277	13	1
97-7-77	Added		hb0277	2	1
97-17-71	Amended		hb0277	14	1
97-19-85	Amended		sb2294	2	2
97-45-1	Amended		hb0277	15	1
99-15-107	Amended		sb2552	1	2

Mississippi Legislature
2021 Regular Session

House Bill 70

Description: Autopsies; provide for confidentiality of photographs and video and audio recordings with exceptions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/07	(H) Referred To Judiciary B
2	01/27	(H) Title Suff Do Pass As Amended
3	02/04	(H) Amended
4	02/04	(H) Passed As Amended {Vote}
5	02/04	(H) Motion to Reconsider Entered (Boyd, Bain, Sanford)
6	02/08	(H) Motion to Reconsider Tabled
7	02/08	(H) Transmitted To Senate
8	02/18	(S) Referred To Judiciary, Division B
9	03/02	(S) Title Suff Do Pass As Amended
10	03/04	(S) Amended
11	03/04	(S) Passed As Amended {Vote}
12	03/08	(S) Motion to Reconsider Entered
13	03/11	(S) Motion to Reconsider Tabled
14	03/11	(S) Returned For Concurrence
15	03/16	(H) Concurred in Amend From Senate {Vote}
16	03/18	(H) Enrolled Bill Signed
17	03/18	(S) Enrolled Bill Signed
18	03/24	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 70

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division B

2021 GENERAL LAWS OF MISSISSIPPI HB 70

Principal Author: Bain
Additional Authors: Shanks, Calvert, Smith, Horne, Ford (73rd)

Title: AN ACT TO ENACT "CHRISTIAN'S LAW"; TO CODIFY NEW SECTION 41-61-66, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE CONFIDENTIALITY OF AUTOPSY MEDIA RECORDS HELD BY A MEDICAL EXAMINER; TO DEFINE TERMS; TO PROVIDE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES, INCLUDING FOR THE DECEASED'S SURVIVING RELATIVES, FOR LOCAL GOVERNMENTAL ENTITIES, FOR CRIMINAL OR ADMINISTRATIVE PROCEEDINGS, AND FOR EDUCATIONAL PURPOSES; TO AUTHORIZE COURTS TO ALLOW ANY PERSON TO VIEW SUCH RECORDS UPON A DEMONSTRATION OF GOOD CAUSE; TO PROVIDE CRIMINAL PENALTIES FOR WILLFUL VIOLATION OF A COURT ORDER; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATION OF THIS SECTION BY A CUSTODIAN OF AUTOPSY MEDIA RECORDS; TO PROVIDE THAT THIS SECTION SHALL NOT PREVENT CERTAIN DISCLOSURES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bain, Shanks, Calvert, Smith, Horne, Ford (73rd)

To: Judiciary B

HOUSE BILL NO. 70
(As Sent to Governor)

AN ACT TO ENACT "CHRISTIAN'S LAW"; TO CODIFY NEW SECTION 41-61-66, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE CONFIDENTIALITY OF AUTOPSY MEDIA RECORDS HELD BY A MEDICAL EXAMINER; TO DEFINE TERMS; TO PROVIDE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES, INCLUDING FOR THE DECEASED'S SURVIVING RELATIVES, FOR LOCAL GOVERNMENTAL ENTITIES, FOR CRIMINAL OR ADMINISTRATIVE PROCEEDINGS, AND FOR EDUCATIONAL PURPOSES; TO AUTHORIZE COURTS TO ALLOW ANY PERSON TO VIEW SUCH RECORDS UPON A DEMONSTRATION OF GOOD CAUSE; TO PROVIDE CRIMINAL PENALTIES FOR WILLFUL VIOLATION OF A COURT ORDER; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATION OF THIS SECTION BY A CUSTODIAN OF AUTOPSY MEDIA RECORDS; TO PROVIDE THAT THIS SECTION SHALL NOT PREVENT CERTAIN DISCLOSURES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 41-61-66, Mississippi Code of 1972:

41-61-66. (1) This section shall be referred to and may be cited as "Christian's Law."

(2) For the purposes of this section:

(a) "Surviving relative" means:

(i) The surviving spouse of the deceased;

(ii) If there is no surviving spouse, the surviving parents of the deceased;

(iii) If there is no surviving spouse or parent, the surviving adult children of the deceased; or

(iv) If there is no surviving spouse, parent or adult children, the next of kin of the deceased.

(b) "Autopsy media records" means:

(i) A photograph or video or audio recording of an autopsy; and

(ii) A photograph or video or audio recording of the crime scene taken by or used by the coroner or the medical examiner.

(3) Autopsy media records are confidential subject to the provisions of this section. The custodian of the autopsy medical records, or his or her designee, may not permit any person or entity, unless authorized by this section or court order pursuant to this section, to access autopsy media records. In all cases, the viewing, copying, listening to and/or other handling of autopsy media records must be under the direct supervision of the custodian of the record or his or her designee.

(4) (a) A surviving relative, or the surviving relative's designee, may view, listen to, and/or copy autopsy media records;

(b) A local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, may view, listen to, copy and/or disclose autopsy media records. Unless otherwise required in the performance of the duties of the local governmental entity, the identity of the

deceased shall remain confidential and exempt under this paragraph;

(c) A criminal or administrative proceeding is exempt from this section. This section does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of an autopsy, crime scene, or similar photograph or video or audio recordings in the manner prescribed herein;

(d) A coroner or a medical examiner, and his or her designee, or a medical physician, and his or her designee, in lawful possession of autopsy media records may use autopsy media records for educational purposes as long as:

(i) Personal information identifying the decedent, including name, address, social security number, case and/or medical record number and any other uniquely identifying features, is redacted and expunged from the autopsy records; and

(ii) Facial identity of the deceased is rendered as anonymous as reasonably possible.

For the purposes of this paragraph, "educational purposes" include, but are not limited to, medical or scientific teaching or training purposes, teaching or training law enforcement personnel, teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science, conferring with medical or scientific experts in the field of

forensic science, publication in a scientific or medical journal or textbook.

(5) (a) A court, upon a showing of good cause, may:

(i) Issue an order authorizing any person to view, listen to, and/or copy an autopsy media record; and

(ii) May prescribe any restrictions or stipulations that the court deems appropriate.

(b) In determining good cause, a court shall consider whether such disclosure is necessary for the public evaluation of governmental performance; the seriousness of the intrusion into the family's right to privacy and whether such disclosure is the least intrusive means available; and the availability of similar information in other public records, regardless of form.

(c) A surviving relative shall be given:

(i) Reasonable notice of a petition filed with a court to view, listen to, and/or copy an autopsy media record;

(ii) A copy of such petition; and

(iii) Reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(d) Any person who willfully and knowingly violates a court order issued pursuant to this section commits a felony punishable upon conviction by one-year imprisonment in the State Penitentiary or a fine of Ten Thousand Dollars ($10,000.00), or both.

(6) Any custodian of an autopsy media record who willfully and knowingly violates this section commits a felony punishable upon conviction by one-year imprisonment in the State Penitentiary or a fine of Ten Thousand Dollars ($10,000.00), or both.

(7) Nothing in this section shall:

(a) Prevent the disclosure of confidential victim communications by any governmental or private participant of a meeting of a multidisciplinary child protection team created under Section 43-15-51.

(b) Prevent an advocate from a governmental organization from sharing victim information with necessary persons to accomplish the duties of the job or to satisfy statutory or constitutional requirements of disclosure.

(8) This section shall not be construed as creating a cause of action for damages against the state or any of its agencies, officials, employees or political subdivisions.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 87

Description: MDHS fraud investigators; provide they shall be law enforcement officers.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/07	(H) Referred To Judiciary B
2	01/28	(H) Title Suff Do Pass
3	02/09	(H) Passed {Vote}
4	02/10	(H) Transmitted To Senate
5	02/18	(S) Referred To Judiciary, Division A
6	03/02	(S) Title Suff Do Pass As Amended
7	03/08	(S) Amended
8	03/08	(S) Passed As Amended {Vote}
9	03/09	(S) Returned For Concurrence
10	03/10	(H) Decline to Concur/Invite Conf
11	03/22	(H) Conferees Named Bain,Sanford,Miles
12	03/23	(S) Conferees Named Wiggins,Barrett,Kirby
13	03/25	(H) Conference Report Filed
14	03/25	(S) Conference Report Filed
15	03/26	(H) Conference Report Adopted {Vote}
16	03/26	(S) Conference Report Adopted {Vote}
17	03/27	(H) Enrolled Bill Signed
18	03/28	(S) Enrolled Bill Signed
19	04/06	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 87

Conference Reports:
| Conference Report

Code Section: A 043-0001-0023

----- Additional Information -----

House Committee: Judiciary B

Senate Committee: Judiciary, Division A

Principal Author: Bain
Additional Authors: Stamps

Title: AN ACT TO AMEND SECTION 43-1-23, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE DIRECTOR AND INVESTIGATORS OF THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES FRAUD INVESTIGATION UNIT HAVE LAW ENFORCEMENT AUTHORITY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bain, Stamps To: Judiciary B

HOUSE BILL NO. 87
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-1-23, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE DIRECTOR AND INVESTIGATORS OF THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES FRAUD INVESTIGATION UNIT HAVE LAW ENFORCEMENT AUTHORITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-1-23, Mississippi Code of 1972, is amended as follows:

43-1-23. (1) There is created within the State Department of Human Services a separate administrative unit to be known as the "Fraud Investigation Unit." The Fraud Investigation Unit shall be headed by a director appointed by the Executive Director of the department. The Director of the Fraud Investigation Unit, and each investigator within the unit shall be a * * * law enforcement officer, part-time law enforcement officer, or law enforcement trainee as defined in Section 45-6-3(c) through (e), Mississippi Code of 1972, and knowledgeable in the programs administered by the department. The Fraud Investigation Unit shall be responsible for:

(a) Conducting investigations for the purpose of aiding the department in the prevention of, detection of and verification of the perpetration of fraud or abuse of any program by any client, any vendor of services with whom the department has contracted, with any nonfederal entity in which the department has entered into an agreement with, or any employee of the department, and for the aiding of the department in the recoupment of any funds owed to the department as a result of fraud or abuse;

(b) The notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority and assisting in the prosecution of any case referred to a prosecutor, if requested; and

(c) Such other duties as prescribed in regulations of the department, which shall include, but not be limited to, reporting any suspected criminal violations discovered in the course of an investigation by the Fraud Investigation Unit involving statutes not within the programmatic purview of the Department of Human Services such as human trafficking, domestic violence, child abuse or other crimes against persons to the Director of the Mississippi Bureau of Investigation. Additionally, investigators of the Fraud Investigation Unit shall cooperate in any investigation arising from a report to the Mississippi Bureau of Investigation and in any task force which currently exists or which may be created in the future by the Mississippi Bureau of Investigation.

(2) The Fraud Investigation Unit is authorized to employ such other investigative, technical, secretarial and support staff as may be necessary.

(3) The Fraud Investigation Unit shall not have state-wide police power except as otherwise provided herein or in the event the unit is granted and accepts additional authority as a contract agent of the Mississippi Bureau of Investigation pursuant to Section 45-1-6, Mississippi Code of 1972. In order to carry out the responsibilities of the Fraud Investigation Unit, the investigators may request and receive assistance from all state and local agencies, boards, commissions, and bureaus, including, without limitation, the * * * Department of Revenue, the Department of Public Safety, and all public and private agencies maintaining data banks, criminal or other records that would enable the investigators to make verification of fraud or abuse in violation of state or federal statutes. All records and information shall be confidential and shall be available only to the Fraud Investigation Unit, district or county attorneys, the Attorney General, and courts having jurisdiction in criminal proceedings.

(4) The department is authorized to enter into contracts with other agencies administering aid or benefits or services under any state or federally funded assistance program which need the assistance of the department's Fraud Investigation Unit.

(5) To accomplish the objectives and to carry out the duties prescribed in this section, the executive director, or his designee, in addition to the powers conferred by this section, may issue subpoenas with the approval of, and returnable to, a judge of the circuit, county or chancery court, in termtime or in vacation, to examine the records, documents or other evidence of persons, firms, corporations or any other entities insofar as such records, documents or other evidence relate to dealings material to an investigation.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 106

Description: State budget; revise provisions in several FY21 appropriation bills.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/07	(H) Referred To Appropriations
2	01/18	(H) Title Suff Do Pass Comm Sub
3	01/21	(H) Committee Substitute Adopted
4	01/21	(H) Passed {Vote}
5	01/21	(H) Immediate Release
6	01/21	(H) Transmitted To Senate
7	02/03	(S) Referred To Appropriations
8	03/02	(S) Title Suff Do Pass As Amended
9	03/09	(S) Amended
10	03/09	(S) Passed As Amended {Vote}
11	03/10	(S) Returned For Concurrence
12	03/12	(H) Concurred in Amend From Senate {Vote}
13	03/15	(H) Enrolled Bill Signed
14	03/15	(S) Enrolled Bill Signed
15	03/22	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 106

Code Section: A 027-0104-0205

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Read

Title: AN ACT TO AMEND SECTION 14, CHAPTER 42, LAWS OF 2020, TO INCREASE THE AMOUNT IN THE FISCAL YEAR 2021 APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS THAT IS AUTHORIZED FOR EXPENDITURE

IN THE INMATE WELFARE FUND; TO AMEND SECTION 8, CHAPTER 92, LAWS OF 2020, TO EXTEND THE PERIOD FOR WHICH FUNDS IN THE FISCAL YEAR 2021 APPROPRIATION TO THE DEPARTMENT OF EMPLOYMENT SECURITY MAY BE USED TO PURCHASE ACCUMULATED COMPENSATORY TIME BY EMPLOYEES WHOSE ACTIVITIES ARE DEEMED ESSENTIAL TO AGENCY OPERATIONS FOR RESPONDING TO COVID-19; TO AMEND SECTION 35, CHAPTER 102, LAWS OF 2020, TO EXTEND THE PERIOD FOR WHICH FUNDS IN THE FISCAL YEAR 2021 APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH MAY BE USED TO PURCHASE ACCUMULATED COMPENSATORY TIME BY EMPLOYEES WHOSE ACTIVITIES ARE DEEMED ESSENTIAL TO AGENCY OPERATIONS FOR RESPONDING TO COVID-19 AND TO INCREASE THE AMOUNT OF FUNDS THAT MAY BE USED FOR THAT PURPOSE; TO AMEND SECTION 18, CHAPTER 106, LAWS OF 2020, TO CLARIFY THE NAME OF A RECIPIENT OF PROJECT FUNDS FROM THE GULF COAST RESTORATION FUND IN THE FISCAL YEAR 2021 APPROPRIATION TO THE MISSISSIPPI DEVELOPMENT AUTHORITY AND TO CORRECT THE PURPOSE OF ONE OF THE PROJECTS; TO AMEND SECTION 28, CHAPTER 107, LAWS OF 2020, TO CLARIFY THE NAMES OF TWO RECIPIENTS OF PROJECT FUNDS FROM THE BP SETTLEMENT FUND IN THE FISCAL YEAR 2021 APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE STATE FIRE ACADEMY WORKFORCE PROGRAM FUND, WHICH SHALL CONSIST OF MONIES MADE AVAILABLE BY THE LEGISLATURE AND MONIES RECEIVED BY THE STATE FIRE ACADEMY FOR WORKFORCE PROGRAMS; TO AMEND SECTION 27-104-205, MISSISSIPPI CODE OF 1972, TO EXEMPT THE STATE FIRE ACADEMY WORKFORCE PROGRAM FUND FROM THE PROVISION REQUIRING THE STATE FIRE ACADEMY BE FUNDED BY APPROPRIATIONS FROM THE GENERAL FUND; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 106

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Read To: Appropriations

HOUSE BILL NO. 106
(As Sent to Governor)

AN ACT TO AMEND SECTION 14, CHAPTER 42, LAWS OF 2020, TO INCREASE THE AMOUNT IN THE FISCAL YEAR 2021 APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS THAT IS AUTHORIZED FOR EXPENDITURE IN THE INMATE WELFARE FUND; TO AMEND SECTION 8, CHAPTER 92, LAWS OF 2020, TO EXTEND THE PERIOD FOR WHICH FUNDS IN THE FISCAL YEAR 2021 APPROPRIATION TO THE DEPARTMENT OF EMPLOYMENT SECURITY MAY BE USED TO PURCHASE ACCUMULATED COMPENSATORY TIME BY EMPLOYEES WHOSE ACTIVITIES ARE DEEMED ESSENTIAL TO AGENCY OPERATIONS FOR RESPONDING TO COVID-19; TO AMEND SECTION 35, CHAPTER 102, LAWS OF 2020, TO EXTEND THE PERIOD FOR WHICH FUNDS IN THE FISCAL YEAR 2021 APPROPRIATION TO THE STATE DEPARTMENT OF HEALTH MAY BE USED TO PURCHASE ACCUMULATED COMPENSATORY TIME BY EMPLOYEES WHOSE ACTIVITIES ARE DEEMED ESSENTIAL TO AGENCY OPERATIONS FOR RESPONDING TO COVID-19 AND TO INCREASE THE AMOUNT OF FUNDS THAT MAY BE USED FOR THAT PURPOSE; TO AMEND SECTION 18, CHAPTER 106, LAWS OF 2020, TO CLARIFY THE NAME OF A RECIPIENT OF PROJECT FUNDS FROM THE GULF COAST RESTORATION FUND IN THE FISCAL YEAR 2021 APPROPRIATION TO THE MISSISSIPPI DEVELOPMENT AUTHORITY AND TO CORRECT THE PURPOSE OF ONE OF THE PROJECTS; TO AMEND SECTION 28, CHAPTER 107, LAWS OF 2020, TO CLARIFY THE NAMES OF TWO RECIPIENTS OF PROJECT FUNDS FROM THE BP SETTLEMENT FUND IN THE FISCAL YEAR 2021 APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE STATE FIRE ACADEMY WORKFORCE PROGRAM FUND, WHICH SHALL CONSIST OF MONIES MADE AVAILABLE BY THE LEGISLATURE AND MONIES RECEIVED BY THE STATE FIRE ACADEMY FOR WORKFORCE PROGRAMS; TO AMEND SECTION 27-104-205, MISSISSIPPI CODE OF 1972, TO EXEMPT THE STATE FIRE ACADEMY WORKFORCE PROGRAM FUND FROM THE PROVISION REQUIRING THE STATE FIRE ACADEMY BE FUNDED BY APPROPRIATIONS FROM THE GENERAL FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 14, Chapter 42, Laws of 2020, is amended as follows:

Section 14. It is the intention of the Legislature that all funds held by the Inmate Welfare Fund be placed in a treasury fund effective July 1, 2020. Of the amounts appropriated in Section 2, an amount not exceeding * * * Six Million Dollars ($6,000,000.00) shall be available for expenditure in the Inmate Welfare Fund.

SECTION 2. Section 8, Chapter 92, Laws of 2020, is amended as follows:

Section 8. Of the funds appropriated in Section 1, Nine Hundred Thousand Dollars ($900,000.00) may be used to purchase accumulated compensatory time incurred before * * * June 30, 2021, by employees whose activities are deemed essential to agency operations for responding to COVID-19.

SECTION 3. Section 35, Chapter 102, Laws of 2020, is amended as follows:

Section 35. Of the funds appropriated in Section 2, * * * Three Million Two Hundred Forty Thousand Dollars ($3,240,000.00) may be used to purchase accumulated compensatory time incurred before * * * June 30, 2021, by employees * * * who are activated under emergency orders in response to the COVID-19 pandemic.

SECTION 4. Section 18, Chapter 106, Laws of 2020, is amended as follows:

Section 18. Of the funds appropriated under the provisions of Section 2, Fifty-nine Million Six Hundred Eighty-seven Thousand

Five Hundred Forty-five Dollars ($59,687,545.00), or so much thereof, shall be derived out of any money in the State Treasury to the credit of the Gulf Coast Restoration Fund, as created in Section 57-119-1, Mississippi Code of 1972. These funds are provided for projects as outlined in Section 57-119-9, Mississippi Code of 1972, for assistance to local units of government, nongovernmental organizations, institutions of higher learning, community colleges, ports, airports, public-private partnerships, private for-profit entities, private nonprofit entities and local economic development entities. These funds will be reappropriated each year until the project is completed.

Of the funds appropriated in this section the following sums are provided for projects recommended by the department:

(a) To assist the City of Gautier with the Gautier Town Center Development.....$3,500,000.00.

(b) To assist Power Dynamics Innovations, LLC with Equipment and Facility Upgrades.....$1,550,000.00.

(c) To assist the City of Bay St. Louis with the Old Town Police Department.....$1,000,000.00.

(d) To assist the City of Bay St. Louis with the Old Town Depot Revitalization District.....$1,500,000.00.

(e) To assist the City of Diamondhead with the Commercial District Transformation Project.....$1,500,000.00.

(f) To assist the Stone County School District with the Stone County High School Career and Technical Education Center.....$3,200,000.00.

(g) To assist the University of Southern Mississippi with the Ocean Enterprise Phase I.....$7,000,000.00.

(h) To assist the Walter Anderson Museum Creative Complex Phase I and begin Phase II.....$ 750,000.00.

(i) To assist the City of Ocean Springs and the OHOS Development LLC with a Public/Private Development.....$2,000,000.00.

(j) To assist the Gulfport School with a STEM Exploration Lab.....$ 100,000.00.

(k) To assist the City of Biloxi with downtown revitalization at the Saenger Theater.....$2,000,000.00.

(l) To assist Hancock County Port and Harbor Commission with the multiuser aero strip at Stennis Airport.....$2,500,000.00.

Of the funds appropriated in this section, the following sums are provided for projects that meet the criteria outlined in Section 57-119-9, Mississippi Code of 1972:

(a) To assist Harrison County with the Harrison County Law Enforcement Training Academy.....$3,000,000.00.

(b) To assist George Regional Health System with a multispecialty medical office complex.....$2,157,035.00.

(c) To assist George Regional Health System with a cafeteria expansion and renovation.....$1,080,510.00.

(d) To assist Mississippi State University with the Mississippi Cyber Center.....$3,500,000.00.

(e) To assist the Port of Pascagoula with the North Rail Connector.....$6,600,000.00.

(f) To assist Jackson County Economic Development Foundation with site development and related support of a defense supplier.....$1,400,000.00.

(g) To assist the Pascagoula Redevelopment Authority with the Innovation Center.....$1,000,000.00.

(h) To assist the Pascagoula Redevelopment Authority with the City Center.....$4,000,000.00.

(i) To assist the Institute for Marine Mammal Studies with Educational Classrooms and Dorms.....$3,000,000.00.

(j) To assist the City of Pass Christian with redevelopment and revitalization.....$ 750,000.00.

(k) To assist the City of Long Beach with development and revitalization.....$2,000,000.00.

(l) To assist the city of Long Beach with the Quarles House.....$2,000,000.00.

(m) To assist George County with a rail connection project:

(1) George County rail and highway improvements for Enviva project.....$1,600,000.00.

(2) Mississippi Export Railroad for the Enviva project.....$1,000,000.00.

SECTION 5. Section 28, Chapter 107, Laws of 2020, is amended as follows:

Section 28. Of the funds appropriated under the provisions of Section 2, Seventeen Million Two Hundred Forty-one Thousand Dollars ($17,241,000.00), or so much thereof, shall be derived out of any money in the State Treasury to the credit of the State BP Settlement Fund, as created in Section 27-103-302.1, Mississippi Code of 1972. These funds are appropriated for such purposes as follows:

(a) To assist the Town of Walnut with improvements of city industrial park or recreational facilities.....$ 175,000.00.

(b) To assist the City of Lucedale with improvements to wastewater treatment plant.....$ 376,000.00.

(c) To assist the City of Flowood with Luckney Road improvements.....$1,000,000.00.

(d) To assist Lawrence County with construction and improvements to frontage road.....$ 250,000.00.

(e) To Create, Inc. for the benefit of the Windows of Amory.....$ 200,000.00.

(f) To Aberdeen Main Street to reimburse for improving Parkway Hotel Property.....$ 100,000.00.

(g) To assist Yazoo County with improvements

to Carter Road.....$ 750,000.00.

(h) To assist the City of Philadelphia with construction of Fallen Veteran's memorial.....$ 50,000.00.

(i) To assist the City of Baldwyn Veteran's Park with parking improvements.....$ 35,000.00.

(j) To assist Itawamba County with improvements of Houston Kirkfield community schoolhouse pavilion.....$ 25,000.00.

(k) To assist Marshall County for the purpose of providing funding for the preservation and restoration of the Isaac Chapel Rosenwald School located in Marshall County, Mississippi.....$ 100,000.00.

(l) To assist the Town of Crenshaw with improvements to Jones Street.....$ 300,000.00.

(m) To the Mississippi Department of Archives and History for the purpose of providing historical markers in Holmes County designating the birthplace of the Church of God in Christ.....$ 10,000.00.

(n) To the Mississippi Department of Archives and History for expenses related to reopening museums.....$ 100,000.00.

(o) To the Mississippi Department of Archives and History for expenses related to the Commission to Redesign the Mississippi State Flag.....$ 50,000.00.

(p) To the Mississippi Department of Archives

and History for exhibit commemorating 50th anniversary of Jackson State University shooting.....$ 10,000.00.

(q) To assist Lamar County with construction of live fire tower.....$ 300,000.00.

(r) To assist Claiborne County with Grand Gulf Road improvements .....$ 500,000.00.

(s) To assist Tippah County with * * * destruction of county-owned hospital.....$ 500,000.00.

(t) To assist the City of Pearl with construction of Pearl Richland intermodal connector.....$ 400,000.00.

(u) To assist Marshall County with construction of Chickasaw Trail industrial park emergency response center.....$ 400,000.00.

(v) To assist Pearl and Leaf Rivers Rails-To-Trails Recreational District with trail overlay or bridge repairs on the Longleaf Trace between Hattiesburg, Mississippi, and Prentiss, Mississippi.....$ 500,000.00.

(w) To assist the Town of Terry with construction of community emergency shelter.....$ 300,000.00.

(x) To assist the Town of Tishomingo with improvements and upgrades to town hall.....$ 50,000.00.

(y) To assist the Town of Hickory with

improvements to town square.....$ 35,000.00.

(z) To assist Rankin County for expansion of Sheriff Department's facility and shop.....$ 250,000.00.

(aa) To assist Walthall County with Courthouse repair and renovations.....$ 250,000.00.

(bb) To the Mississippi Symphony .....$ 25,000.00.

(cc) To assist the City of Horn Lake with road area improvements and bridge repair on Tulane Road.....$ 200,000.00.

(dd) To assist the Corinth-Alcorn County Recreation Commission in paying costs associated with repair and renovation of and upgrades, improvements and additions to recreation areas and facilities and field surfaces.....$ 500,000.00.

(ee) To assist the City of Bruce, Mississippi, in paying costs associated with water system and sewer system upgrades and improvements near school property in the City of Bruce.....$ 500,000.00.

(ff) To assist the City of Jackson, Mississippi, in paying costs associated with the purchase of a fire truck for the city fire department.....$ 225,000.00.

(gg) To assist the Town of Friars Point, Mississippi, in paying costs associated with constructing a community center and

related facilities.....$ 500,000.00.

(hh) To assist Kemper County, Mississippi, in paying costs associated with the purchase of a fire truck for the Preston Volunteer Fire Department.....$ 100,000.00.

(ii) To assist Winston County, Mississippi, in paying costs associated with the purchase of a fire truck for the Nanih Waiya Volunteer Fire Department.....$ 100,000.00.

(jj) To assist the Town of Raymond, Mississippi, in paying costs associated with repair and renovation of the Town of Raymond Police Department building and related facilities.....$ 150,000.00.

(kk) To assist the City of Hazlehurst, Mississippi, in paying costs associated with repairs, upgrades and improvements to Lake Hazle Dam.....$ 400,000.00.

(ll) To assist Grenada County, Mississippi, in paying costs associated with upgrades and improvements to water system infrastructure.....$ 500,000.00.

(mm) To assist in paying costs associated with repair and renovation of and upgrades and improvements to buildings and facilities at the Mississippi School for Mathematics and

Science in Columbus, Mississippi.....$ 200,000.00.

(nn) $300,000 to the Town of Hickory Flat, Mississippi, for the following purposes:

(1) Not more than $250,000.00 to assist in paying costs associated with the purchase of a fire truck for the town's fire department, and

(2) Not more than $50,000.00 to assist in paying costs associated with the purchase of equipment and other upgrades for the town's police department.

(oo) To assist the City of Hattiesburg, Mississippi, in paying the costs of construction, furnishing and equipping of an education center and related facilities at the Hattiesburg Zoo in Hattiesburg, Mississippi.....$ 500,000.00.

(pp) To assist Marion County, Mississippi, in paying costs associated with repairs, resurfacing, upgrades and improvements to roads and bridges in Marion County.....$ 500,000.00.

(qq) To assist the City of Winona, Mississippi, in paying costs associated with repairs and overlay of Montgomery Street in the City of Winona.....$ 500,000.00.

(rr) To assist in paying costs associated with the acquisition, storage and relocation of artifacts and the design, fabrication and

installation of permanent exhibits, including the development of all associated films and interactive components, for the Delta Blues Museum in Clarksdale, Mississippi.....$ 200,000.00.

(ss) To assist the City of Charleston, Mississippi, in paying costs associated with the replacement of water pipes and upgrades and improvements to the city's water system and related infrastructure.....$ 300,000.00.

(tt) To assist the City of Brandon, Mississippi, in paying costs associated with making improvements to and upgrades of sidewalks, streets, parking areas and water system infrastructure in the city's downtown area including, but not limited to, construction, repair, replacement and other improvements to and upgrades of sidewalks, streets, crosswalks, signage and water system infrastructure.....$ 500,000.00.

(uu) To assist the City of Ripley, Mississippi, in paying costs associated with repairs, resurfacing, upgrades and improvements to roads in the City of Ripley, water system improvements and sewer system improvements.....$ 300,000.00.

(vv) To assist * * * the City of Ripley, Mississippi, in paying costs associated with

construction of Veteran's Park in * * *
the City of Ripley's City Park.....$ 500,000.00.

(ww) To assist the Town of West, Mississippi, in paying costs associated with the acquisition of a generator and related equipment for the town's water system and related infrastructure.....$ 100,000.00.

(xx) To assist the Leake County Economic Development Association in paying costs associated with a workforce development study.....$ 50,000.00.

(yy) To assist in paying costs associated with the purposes described in Section 27-104-301(2)(mm).....$1,500,000.00.

(zz) To assist in paying costs associated with repair of and fencing for Bethesda Cemetery in the City of Senatobia, Mississippi, and any funds that are in excess of that needed to complete such project shall be used to assist in paying costs associated with repair of and fencing for Senatobia Memorial Cemetery.....$ 300,000.00.

(aaa) To assist the City of Clinton, Mississippi, in paying costs associated with expansion of and upgrades and improvements to the city's water system and sewer system infrastructure and/or repairs, resurfacing and other improvements and upgrades to roads and streets in the City of Clinton.....$1,000,000.00.

(bbb) To assist the Town of Flora, Mississippi, in paying costs associated with improvements to the town's water system and sewer system infrastructure.....$ 100,000.00.

(ccc) To assist the Perry John's Post 6 American Legion in Alcorn County.....$ 25,000.00.

(ddd) To assist Itawamba County with Houston Community Park.....$ 25,000.00.

(eee) To assist * * * Richard's Community Center in Pike County.....$ 25,000.00.

(fff) To assist the American Legion Post 81 in Tippah County.....$ 25,000.00.

(ggg) To assist the Veterans of Foreign Wars Post 4881 in Tippah County.....$ 25,000.00.

(hhh) To assist the City of Senatobia Fire Department.....$ 50,000.00.

SECTION 6. There is created in the State Treasury a special fund to be known as the State Fire Academy Workforce Program Fund. The fund shall consist of monies appropriated or otherwise made available by the Legislature and monies received by the State Fire Academy for workforce programs. The fund shall be expended by the State Fire Academy, upon appropriation by the Legislature, for such purposes as provided in the appropriation. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or

investment earnings on amounts in the fund shall be deposited to the credit of the fund.

SECTION 7. Section 27-104-205, Mississippi Code of 1972, is amended as follows:

27-104-205. (1) From and after July 1, 2016, the expenses of the following enumerated state agencies shall be defrayed by appropriation of the Legislature from the State General Fund: the State Fire Marshal, the State Fire Academy (not including the State Fire Academy Workforce Program Fund), the Office of Secretary of State (not including the Preneed Contracts Loss Recovery Fund), the Mississippi Public Service Commission, the Mississippi Department of Information Technology Services, (not including the Mississippi Department of Information Technology Services Revolving Fund), the State Personnel Board, the Mississippi Department of Insurance (not including the Municipal Fire Protection Fund, Section 83-1-37, the County Volunteer Fire Department Fund, Section 83-1-39, and the Mississippi Propane Education and Research Fund, Section 75-57-119), the Mississippi Law Enforcement Officers' Minimum Standards Board, the Mississippi Gaming Commission, the Mississippi Department of Revenue - License Tag, the Office of the State Public Defender, the Mississippi Workers' Compensation Commission (not including the Second Injury Trust Fund) and the Office of Attorney General. Beginning July 1, 2016, any fees, assessments or other revenues charged for the support of the above-named state agencies shall be deposited into

the State General Fund, and any special fund or depository established within the State Treasury for the deposit of such fees, assessments or revenues shall be abolished and the balance transferred to the State General Fund. Expenses heretofore drawn from such special funds or other depositories shall be drawn from the agencies General Fund Account.

(2) Beginning with the fiscal year ending June 30, 2016, the amount to be appropriated annually from the State General Fund for the support of each of the above-named state agencies shall not exceed the amount appropriated for such purpose in the preceding fiscal year, plus any increases in or additional fees, assessments or other charges authorized by act of the Legislature for the succeeding fiscal year.

(3) The provisions of this section shall not apply to any trust fund account that is maintained by any above-named agency.

(4) The provisions of this section shall not prohibit any of the above-named agencies from maintaining clearing accounts in approved depositories.

(5) The provisions of this section shall not apply to any trust fund accounts maintained by the Public Employees' Retirement System and protected under Section 272A of the Mississippi Constitution of 1890.

SECTION 8. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 136

Description: Individual bond; require for public officers and employees handling or having the custody of public funds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(H) Referred To Accountability, Efficiency, Transparency
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass As Amended
7	03/10	(S) Amended
8	03/10	(S) Passed As Amended {Vote}
9	03/11	(S) Returned For Concurrence
10	03/17	(H) Decline to Concur/Invite Conf
11	03/22	(H) Conferees Named Boyd,Criswell,Robinson
12	03/24	(S) Conferees Named Harkins,Sparks,Blount
13	03/26	(S) Conference Report Filed
14	03/26	(H) Conference Report Filed
15	03/27	(H) Conference Report Adopted {Vote}
16	03/28	(S) Conference Report Adopted {Vote}
17	03/30	(H) Enrolled Bill Signed
18	03/30	(S) Enrolled Bill Signed
19	04/06	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 136

Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency

Senate Committee: Finance

Principal Author: Turner

Title: AN ACT TO REQUIRE ANY PUBLIC OFFICER OR EMPLOYEE HANDLING OR HAVING THE CUSTODY OF PUBLIC FUNDS, BY VIRTUE OF HIS OR HER OFFICE OR EMPLOYMENT, TO GIVE BOND IN A CERTAIN AMOUNT; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 136

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representative Turner — To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 136
(As Sent to Governor)

AN ACT TO REQUIRE ANY PUBLIC OFFICER OR EMPLOYEE HANDLING OR HAVING THE CUSTODY OF PUBLIC FUNDS, BY VIRTUE OF HIS OR HER OFFICE OR EMPLOYMENT, TO GIVE BOND IN A CERTAIN AMOUNT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Notwithstanding any other provision of law to the contrary, any public officer or employee handling or having the custody of public funds, by virtue of his or her office or employment, shall give an individual bond or be covered by a blanket bond. The amount of such bonds shall not be less than Twenty-five Thousand Dollars ($25,000.00) for each public officer or employee, unless a specific amount is otherwise required by law. The provisions of this section shall not apply to any public officer or employee whose activity of handling or having custody of public funds is incidental to his or her employment or job duties, as defined by the regulations of the State Auditor's office.

(2) All individual bonds and blanket bonds as required by this section shall follow the form and content as provided in Section 25-1-15.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 160

Description: State Department of Health and State Board of Health; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/08	(H) Referred To Public Health and Human Services
2	01/26	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Public Health and Welfare
6	03/02	(S) Title Suff Do Pass As Amended
7	03/10	(S) Amended
8	03/10	(S) Passed As Amended {Vote}
9	03/11	(S) Returned For Concurrence
10	03/16	(H) Concurred in Amend From Senate {Vote}
11	03/18	(H) Enrolled Bill Signed
12	03/19	(S) Enrolled Bill Signed
13	03/25	Approved by Governor

Amendments:

[S] Committee Amendment No 1Replaced by Substitute
[S] Substitute No 1 for Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 160

Code Section: R 041-0003-0001.1, R 041-0003-0003, R 041-0003-0004, R 041-0003-0005.1, R 041-0003-0006, R 041-0003-0015, R 041-0003-0016, R 041-0003-0017, R 041-0003-0018, R 041-0003-0019, A 041-0003-0020, A 041-0007-0191

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Turner

2021 GENERAL LAWS OF MISSISSIPPI HB 160

Title: AN ACT TO REENACT SECTIONS 41-3-1.1, 41-3-3, 41-3-4, 41-3-5.1, 41-3-6, 41-3-15, 41-3-16, 41-3-17, 41-3-18 AND 41-3-19, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF HEALTH, ESTABLISH THE POSITION OF EXECUTIVE OFFICER OF THE STATE DEPARTMENT OF HEALTH, AND ESTABLISH AND PRESCRIBE THE POWERS AND DUTIES OF THE STATE DEPARTMENT OF HEALTH; TO AMEND SECTION 41-3-20, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE REENACTED STATUTES; TO AMEND SECTION 41-7-191, MISSISSIPPI CODE OF 1972, TO DELETE THE MORATORIUM ON THE AUTHORITY OF THE STATE DEPARTMENT OF HEALTH TO ISSUE A HEALTH CARE CERTIFICATE OF NEED FOR THE CONSTRUCTION OR CONVERSION OF CHILD/ADOLESCENT PSYCHIATRIC OR CHEMICAL DEPENDENCY BEDS PARTICIPATING IN THE MEDICAID PROGRAM AND TO DELETE CERTAIN RESTRICTIONS ON MEDICAID REIMBURSEMENT FOR SUCH BEDS AND TO PLACE CERTAIN STANDARDS ON THE DEPARTMENT IN ISSUING SUCH CERTIFICATES; TO SET FORTH STATE POLICY REGARDING THE TREATMENT OF CERTAIN MENTAL HEALTH PATIENTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Turner

To: Public Health and Human Services

HOUSE BILL NO. 160
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 41-3-1.1, 41-3-3, 41-3-4, 41-3-5.1, 41-3-6, 41-3-15, 41-3-16, 41-3-17, 41-3-18 AND 41-3-19, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF HEALTH, ESTABLISH THE POSITION OF EXECUTIVE OFFICER OF THE STATE DEPARTMENT OF HEALTH, AND ESTABLISH AND PRESCRIBE THE POWERS AND DUTIES OF THE STATE DEPARTMENT OF HEALTH; TO AMEND SECTION 41-3-20, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE REENACTED STATUTES; TO AMEND SECTION 41-7-191, MISSISSIPPI CODE OF 1972, TO DELETE THE MORATORIUM ON THE AUTHORITY OF THE STATE DEPARTMENT OF HEALTH TO ISSUE A HEALTH CARE CERTIFICATE OF NEED FOR THE CONSTRUCTION OR CONVERSION OF CHILD/ADOLESCENT PSYCHIATRIC OR CHEMICAL DEPENDENCY BEDS PARTICIPATING IN THE MEDICAID PROGRAM AND TO DELETE CERTAIN RESTRICTIONS ON MEDICAID REIMBURSEMENT FOR SUCH BEDS AND TO PLACE CERTAIN STANDARDS ON THE DEPARTMENT IN ISSUING SUCH CERTIFICATES; TO SET FORTH STATE POLICY REGARDING THE TREATMENT OF CERTAIN MENTAL HEALTH PATIENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-3-1.1, Mississippi Code of 1972, is reenacted as follows:

41-3-1.1. (1) The State Board of Health is continued and reconstituted as follows:

There is created the State Board of Health which, from and after March 30, 2007, shall consist of eleven (11) members appointed with the advice and consent of the Senate, as follows:

(a) Five (5) members of the board shall be currently licensed physicians of good professional standing who have had at least seven (7) years' experience in the practice of medicine in this state. Three (3) members shall be appointed by the Governor, one (1) member shall be appointed by the Lieutenant Governor, and one (1) member shall be appointed by the Attorney General, in the manner provided in paragraph (d) of this subsection (1).

(b) Six (6) members of the board shall be individuals who have a background in public health or an interest in public health who are not currently or formerly licensed physicians. Four (4) of those members shall be appointed by the Governor, one (1) of those members shall be appointed by the Lieutenant Governor, and one (1) of those members shall be appointed by the Attorney General, in the manner provided in paragraph (d) of this subsection (1).

(c) The Governor, Lieutenant Governor and Attorney General shall give due regard to geographic distribution, race and gender in making their appointments to the board. It is the intent of the Legislature that the membership of the board reflect the population of the State of Mississippi. Of the Governor's appointments, one (1) member of the board shall be appointed from each of the four (4) congressional districts as constituted on June 30, 2007, and one (1) member of the board shall be appointed from each of the three (3) Supreme Court districts as constituted on June 30, 2007. Of the Lieutenant Governor's appointments, one

(1) member of the board shall be appointed from the First Congressional District and one (1) member of the board shall be appointed from the Fourth Congressional District as constituted on June 30, 2007. Of the Attorney General's appointments, one (1) member of the board shall be appointed from the Second Congressional District and one (1) member of the board shall be appointed from the Third Congressional District as constituted on June 30, 2007.

(d) The initial members of the board shall be appointed for staggered terms, as follows: Of the Governor's appointments, two (2) members shall be appointed for terms that end on June 30, 2009; two (2) members shall be appointed for terms that end on June 30, 2011; and three (3) members shall be appointed for terms that end on June 30, 2013. Of the Lieutenant Governor's appointments, one (1) member shall be appointed for a term that ends on June 30, 2009; and one (1) member shall be appointed for a term that ends on June 30, 2013. Of the Attorney General's appointments, one (1) member shall be appointed for a term that ends on June 30, 2009; and one (1) member shall be appointed for a term that ends on June 30, 2011.

A member of the board serving before January 1, 2007, shall be eligible for reappointment to the reconstituted board unless the person is disqualified under subsection (4) of this section.

(2) At the expiration of the terms of the initial members, all members of the board shall be appointed by the Governor, in

the same manner and from the same districts prescribed in subsection (1) of this section, for terms of six (6) years from the expiration of the previous term and thereafter until his or her successor is duly appointed. Vacancies in office shall be filled by appointment in the same manner as the appointment to the position that becomes vacant, subject to the advice and consent of the Senate at the next regular session of the Legislature. An appointment to fill a vacancy other than by expiration of a term of office shall be for the balance of the unexpired term and thereafter until his or her successor is duly appointed.

(3) The Lieutenant Governor may designate one (1) Senator and the Speaker of the House of Representatives may designate one (1) Representative to attend any meeting of the State Board of Health. The appointing authorities may designate alternate members from their respective houses to serve when the regular designees are unable to attend the meetings of the board. Those legislative designees shall have no jurisdiction or vote on any matter within the jurisdiction of the board. For attending meetings of the board, the legislators shall receive per diem and expenses, which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the board will be paid while the Legislature is in session. No per diem and expenses will be paid except for attending meetings of

the board without prior approval of the proper committee in their respective houses.

(4) (a) All members of the State Board of Health shall file with the Mississippi Ethics Commission, before the first day of May each year, the statement of economic interest as required by Sections 25-4-25 through 25-4-29.

(b) No member of the board shall participate in any action by the board or department if that action could have any monetary effect on any business with which that member is associated, as defined in Section 25-4-103.

(c) When any matter in which a member may not participate comes before the board or department, that member must fully recuse himself or herself from the entire matter. The member shall avoid debating, discussing or taking action on the subject matter during official meetings or deliberations by leaving the meeting room before the matter comes before the board and by returning only after the discussion, vote or other action is completed. The member shall not discuss the matter with other members, department staff or any other person. Any minutes or other record of the meeting shall accurately reflect the recusal. If a member is uncertain whether recusal is required, the member shall follow the determination of the Mississippi Ethics Commission. The commission may delegate that determination to its executive director.

(d) Upon a determination by the board or by any court of competent jurisdiction that a member of the board has violated the provisions of this subsection (4) regarding recusal, the member shall be removed from office. Any member of the board who violates the provisions of this section regarding recusal also shall be subject to the penalties set forth in Sections 25-4-109 through 25-4-117. After removal from office, the member shall not be eligible for appointment to any agency, board or commission of the state for a period of two (2) years. Nothing in this section shall be construed to limit the restrictions codified in Section 25-4-105.

SECTION 2. Section 41-3-3, Mississippi Code of 1972, is reenacted as follows:

41-3-3. Each person appointed as a member of the State Board of Health shall immediately take the oath prescribed by Section 268 of the Constitution and file a certificate thereof in the Office of the Secretary of State. Thereupon a commission shall be issued to him under the terms as specified in Section 41-3-1.

SECTION 3. Section 41-3-4, Mississippi Code of 1972, is reenacted as follows:

41-3-4. (1) There shall be a Chairman and Vice Chairman of the State Board of Health elected by and from its membership at the first meeting of the board; and the chairman shall be the presiding officer of the board. The chairman shall always be a physician member of the board. The board shall adopt rules and

regulations governing times and places for meetings, and governing the manner of conducting its business. The board shall meet not less frequently than once each quarter, and at such other times as determined to be necessary. The term of office of any member who does not attend three (3) consecutive regular meetings of the board shall be automatically terminated, and the position shall be considered as vacant, except in cases of the serious illness of a board member or of his or her immediate family member. All meetings of the board shall be called by the chairman or by a majority of the members of the board, except the first meeting of the initial members of the reconstituted board, which shall be called by the Governor.

(2) The members of the board shall receive no annual salary but shall receive per diem compensation as is authorized by law for each day devoted to the discharge of official board duties and shall be entitled to reimbursement for all actual and necessary expenses incurred in the discharge of their duties, including mileage as authorized by Section 25-3-41.

SECTION 4. Section 41-3-5.1, Mississippi Code of 1972, is reenacted as follows:

41-3-5.1. The State Department of Health shall be headed by an executive officer who shall be appointed by the State Board of Health. The executive officer shall be either a physician who has earned a graduate degree in public health or health care administration, or a physician who in the opinion of the board is

fitted and equipped to execute the duties incumbent upon him or her by law. The executive officer shall not engage in the private practice of medicine. The term of office of the executive officer shall be six (6) years, and the executive officer may be removed for cause by majority vote of the members of the board. The executive officer shall be subject to such rules and regulations as may be prescribed by the State Board of Health. The executive officer shall be the State Health Officer with such authority and responsibility as is prescribed by law.

SECTION 5. Section 41-3-6, Mississippi Code of 1972, is reenacted as follows:

41-3-6. It shall be the duty of the State Board of Health to review the statutes of the State of Mississippi affecting public health and submit at least thirty (30) days prior to each regular session of the Legislature any proposed legislation as may be necessary to enhance the effective and efficient delivery of public health services and to bring existing statutes into compliance with modern technology and terminology. The board shall formulate a plan for consolidating and reorganizing existing state agencies having responsibilities in the field of public health to eliminate any needless duplication in services which may be found to exist. In carrying out the provisions of this section, the State Board of Health shall cooperate with and may utilize the services, facilities and personnel of any department or agency of the state, any private citizen task force and the

committees on public health of both houses of the Legislature. The State Board of Health is authorized to apply for and expend funds made available to it by grant from any source in order to perform its responsibilities under this section.

SECTION 6. Section 41-3-15, Mississippi Code of 1972, is reenacted as follows:

41-3-15. (1) (a) There shall be a State Department of Health.

(b) The State Board of Health shall have the following powers and duties:

(i) To formulate the policy of the State Department of Health regarding public health matters within the jurisdiction of the department;

(ii) To adopt, modify, repeal and promulgate, after due notice and hearing, and enforce rules and regulations implementing or effectuating the powers and duties of the department under any and all statutes within the department's jurisdiction, and as the board may deem necessary;

(iii) To apply for, receive, accept and expend any federal or state funds or contributions, gifts, trusts, devises, bequests, grants, endowments or funds from any other source or transfers of property of any kind;

(iv) To enter into, and to authorize the executive officer to execute contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any

public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if it finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those purposes by the Legislature;

(v) To appoint, upon recommendation of the Executive Officer of the State Department of Health, a Director of Internal Audit who shall be either a Certified Public Accountant or Certified Internal Auditor, and whose employment shall be continued at the discretion of the board, and who shall report directly to the board, or its designee; and

(vi) To discharge such other duties, responsibilities and powers as are necessary to implement the provisions of this chapter.

(c) The Executive Officer of the State Department of Health shall have the following powers and duties:

(i) To administer the policies of the State Board of Health within the authority granted by the board;

(ii) To supervise and direct all administrative and technical activities of the department, except that the department's internal auditor shall be subject to the sole supervision and direction of the board;

(iii) To organize the administrative units of the department in accordance with the plan adopted by the board and,

with board approval, alter the organizational plan and reassign responsibilities as he or she may deem necessary to carry out the policies of the board;

(iv) To coordinate the activities of the various offices of the department;

(v) To employ, subject to regulations of the State Personnel Board, qualified professional personnel in the subject matter or fields of each office, and such other technical and clerical staff as may be required for the operation of the department. The executive officer shall be the appointing authority for the department, and shall have the power to delegate the authority to appoint or dismiss employees to appropriate subordinates, subject to the rules and regulations of the State Personnel Board;

(vi) To recommend to the board such studies and investigations as he or she may deem appropriate, and to carry out the approved recommendations in conjunction with the various offices;

(vii) To prepare and deliver to the Legislature and the Governor on or before January 1 of each year, and at such other times as may be required by the Legislature or Governor, a full report of the work of the department and the offices thereof, including a detailed statement of expenditures of the department and any recommendations the board may have;

(viii) To prepare and deliver to the Chairmen of the Public Health and Welfare/Human Services Committees of the Senate and House on or before January 1 of each year, a plan for monitoring infant mortality in Mississippi and a full report of the work of the department on reducing Mississippi's infant mortality and morbidity rates and improving the status of maternal and infant health; and

(ix) To enter into contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if he or she finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those purposes by the Legislature. Each contract or agreement entered into by the executive officer shall be submitted to the board before its next meeting.

(2) The State Board of Health shall have the authority to establish an Office of Rural Health within the department. The duties and responsibilities of this office shall include the following:

(a) To collect and evaluate data on rural health conditions and needs;

(b) To engage in policy analysis, policy development and economic impact studies with regard to rural health issues;

(c) To develop and implement plans and provide technical assistance to enable community health systems to respond to various changes in their circumstances;

(d) To plan and assist in professional recruitment and retention of medical professionals and assistants; and

(e) To establish information clearinghouses to improve access to and sharing of rural health care information.

(3) The State Board of Health shall have general supervision of the health interests of the people of the state and to exercise the rights, powers and duties of those acts which it is authorized by law to enforce.

(4) The State Board of Health shall have authority:

(a) To make investigations and inquiries with respect to the causes of disease and death, and to investigate the effect of environment, including conditions of employment and other conditions that may affect health, and to make such other investigations as it may deem necessary for the preservation and improvement of health.

(b) To make such sanitary investigations as it may, from time to time, deem necessary for the protection and improvement of health and to investigate nuisance questions that affect the security of life and health within the state.

(c) To direct and control sanitary and quarantine measures for dealing with all diseases within the state possible to suppress same and prevent their spread.

(d) To obtain, collect and preserve such information relative to mortality, morbidity, disease and health as may be useful in the discharge of its duties or may contribute to the prevention of disease or the promotion of health in this state.

(e) To charge and collect reasonable fees for health services, including immunizations, inspections and related activities, and the board shall charge fees for those services; however, if it is determined that a person receiving services is unable to pay the total fee, the board shall collect any amount that the person is able to pay. Any increase in the fees charged by the board under this paragraph shall be in accordance with the provisions of Section 41-3-65.

(f) (i) To establish standards for, issue permits and exercise control over, any cafes, restaurants, food or drink stands, sandwich manufacturing establishments, and all other establishments, other than churches, church-related and private schools, and other nonprofit or charitable organizations, where food or drink is regularly prepared, handled and served for pay; and

(ii) To require that a permit be obtained from the Department of Health before those persons begin operation. If any such person fails to obtain the permit required in this

subparagraph (ii), the State Board of Health, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed One Thousand Dollars ($1,000.00) for each violation. However, the department is not authorized to impose a monetary penalty against any person whose gross annual prepared food sales are less than Five Thousand Dollars ($5,000.00). Money collected by the board under this subparagraph (ii) shall be deposited to the credit of the State General Fund of the State Treasury.

(g) To promulgate rules and regulations and exercise control over the production and sale of milk pursuant to the provisions of Sections 75-31-41 through 75-31-49.

(h) On presentation of proper authority, to enter into and inspect any public place or building where the State Health Officer or his representative deems it necessary and proper to enter for the discovery and suppression of disease and for the enforcement of any health or sanitary laws and regulations in the state.

(i) To conduct investigations, inquiries and hearings, and to issue subpoenas for the attendance of witnesses and the production of books and records at any hearing when authorized and required by statute to be conducted by the State Health Officer or the State Board of Health.

(j) To promulgate rules and regulations, and to collect data and information, on (i) the delivery of services through the

practice of telemedicine; and (ii) the use of electronic records for the delivery of telemedicine services.

(k) To enforce and regulate domestic and imported fish as authorized under Section 69-7-601 et seq.

(5) (a) The State Board of Health shall have the authority, in its discretion, to establish programs to promote the public health, to be administered by the State Department of Health. Specifically, those programs may include, but shall not be limited to, programs in the following areas:

(i) Maternal and child health;

(ii) Family planning;

(iii) Pediatric services;

(iv) Services to crippled and disabled children;

(v) Control of communicable and noncommunicable disease;

(vi) Chronic disease;

(vii) Accidental deaths and injuries;

(viii) Child care licensure;

(ix) Radiological health;

(x) Dental health;

(xi) Milk sanitation;

(xii) Occupational safety and health;

(xiii) Food, vector control and general sanitation;

(xiv) Protection of drinking water;

(xv) Sanitation in food handling establishments open to the public;

(xvi) Registration of births and deaths and other vital events;

(xvii) Such public health programs and services as may be assigned to the State Board of Health by the Legislature or by executive order; and

(xviii) Regulation of domestic and imported fish for human consumption.

(b) The State Board of Health and State Department of Health shall not be authorized to sell, transfer, alienate or otherwise dispose of any of the home health agencies owned and operated by the department on January 1, 1995, and shall not be authorized to sell, transfer, assign, alienate or otherwise dispose of the license of any of those home health agencies, except upon the specific authorization of the Legislature by an amendment to this section. However, this paragraph (b) shall not prevent the board or the department from closing or terminating the operation of any home health agency owned and operated by the department, or closing or terminating any office, branch office or clinic of any such home health agency, or otherwise discontinuing the providing of home health services through any such home health agency, office, branch office or clinic, if the board first demonstrates that there are other providers of home health services in the area being served by the department's home health

agency, office, branch office or clinic that will be able to provide adequate home health services to the residents of the area if the department's home health agency, office, branch office or clinic is closed or otherwise discontinues the providing of home health services. This demonstration by the board that there are other providers of adequate home health services in the area shall be spread at length upon the minutes of the board at a regular or special meeting of the board at least thirty (30) days before a home health agency, office, branch office or clinic is proposed to be closed or otherwise discontinue the providing of home health services.

(c) The State Department of Health may undertake such technical programs and activities as may be required for the support and operation of those programs, including maintaining physical, chemical, bacteriological and radiological laboratories, and may make such diagnostic tests for diseases and tests for the evaluation of health hazards as may be deemed necessary for the protection of the people of the state.

(6) (a) The State Board of Health shall administer the local governments and rural water systems improvements loan program in accordance with the provisions of Section 41-3-16.

(b) The State Board of Health shall have authority:

(i) To enter into capitalization grant agreements with the United States Environmental Protection Agency, or any successor agency thereto;

(ii) To accept capitalization grant awards made under the federal Safe Drinking Water Act, as amended;

(iii) To provide annual reports and audits to the United States Environmental Protection Agency, as may be required by federal capitalization grant agreements; and

(iv) To establish and collect fees to defray the reasonable costs of administering the revolving fund or emergency fund if the State Board of Health determines that those costs will exceed the limitations established in the federal Safe Drinking Water Act, as amended. The administration fees may be included in loan amounts to loan recipients for the purpose of facilitating payment to the board; however, those fees may not exceed five percent (5%) of the loan amount.

(7) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The department shall issue a license to Alexander Milne Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the construction, conversion, expansion and operation of not more than forty-five (45) beds for developmentally disabled adults who have been displaced from New Orleans, Louisiana, with the beds to be located in a certified ICF-MR facility in the City of Laurel, Mississippi. There shall be no prohibition or restrictions on participation in the Medicaid program for the person receiving the license under this subsection (7). The license described in this subsection shall expire five (5) years from the date of its issue.

The license authorized by this subsection shall be issued upon the initial payment by the licensee of an application fee of Sixty-seven Thousand Dollars ($67,000.00) and a monthly fee of Sixty-seven Thousand Dollars ($67,000.00) after the issuance of the license, to be paid as long as the licensee continues to operate. The initial and monthly licensing fees shall be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(8) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to issue a license to an existing home health agency for the transfer of a county from that agency to another existing home health agency, and to charge a fee for reviewing and making a determination on the application for such transfer not to exceed one-half (1/2) of the authorized fee assessed for the original application for the home health agency, with the revenue to be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(9) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: For the period beginning July 1, 2010, through July 1, 2017, the State Department of Health is authorized and empowered to assess a fee in addition to the fee prescribed in Section 41-7-188 for reviewing applications for certificates of need in an

amount not to exceed twenty-five one-hundredths of one percent (.25 of 1%) of the amount of a proposed capital expenditure, but shall be not less than Two Hundred Fifty Dollars ($250.00) regardless of the amount of the proposed capital expenditure, and the maximum additional fee permitted shall not exceed Fifty Thousand Dollars ($50,000.00). Provided that the total assessments of fees for certificate of need applications under Section 41-7-188 and this section shall not exceed the actual cost of operating the certificate of need program.

(10) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to extend and renew any certificate of need that has expired, and to charge a fee for reviewing and making a determination on the application for such action not to exceed one-half (1/2) of the authorized fee assessed for the original application for the certificate of need, with the revenue to be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(11) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to revoke, immediately, the license and require closure of any institution for the aged or infirm, including any other remedy less than closure to protect the health and safety of the

residents of said institution or the health and safety of the general public.

(12) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to require the temporary detainment of individuals for disease control purposes based upon violation of any order of the State Health Officer, as provided in Section 41-23-5. For the purpose of enforcing such orders of the State Health Officer, persons employed by the department as investigators shall have general arrest powers. All law enforcement officers are authorized and directed to assist in the enforcement of such orders of the State Health Officer.

SECTION 7. Section 41-3-16, Mississippi Code of 1972, is reenacted as follows:

41-3-16. (1) (a) There is established a local governments and rural water systems improvements revolving loan and grant program to be administered by the State Department of Health, referred to in this section as "department," for the purpose of assisting counties, incorporated municipalities, districts or other water organizations that have been granted tax-exempt status under either federal or state law, in making improvements to their water systems, including construction of new water systems or expansion or repair of existing water systems. Loan and grant proceeds may be used by the recipient for planning, professional

services, acquisition of interests in land, acquisition of personal property, construction, construction-related services, maintenance, and any other reasonable use which the board, in its discretion, may allow. For purposes of this section, "water systems" has the same meaning as the term "public water system" under Section 41-26-3.

(b) (i) There is created a board to be known as the "Local Governments and Rural Water Systems Improvements Board," referred to in this section as "board," to be composed of the following nine (9) members: the State Health Officer, or his designee, who shall serve as chairman of the board; the Executive Director of the Mississippi Development Authority, or his designee; the Executive Director of the Department of Environmental Quality, or his designee; the Executive Director of the Department of Finance and Administration, or his designee; the Executive Director of the Mississippi Association of Supervisors, or his designee; the Executive Director of the Mississippi Municipal League, or his designee; the Executive Director of the American Council of Engineering Companies of Mississippi, or his designee; the State Director of the United States Department of Agriculture, Rural Development, or his designee; and a manager of a rural water system.

The Governor shall appoint a manager of a rural water system from a list of candidates provided by the Executive Director of the Mississippi Rural Water Association. The Executive Director

of the Mississippi Rural Water Association shall provide the Governor a list of candidates which shall contain a minimum of three (3) candidates for each appointment.

(ii) Nonappointed members of the board may designate another representative of their agency or association to serve as an alternate.

(iii) The gubernatorial appointee shall serve a term concurrent with the term of the Governor and until a successor is appointed and qualified. No member, officer or employee of the Board of Directors of the Mississippi Rural Water Association shall be eligible for appointment.

(c) The department, if requested by the board, shall furnish the board with facilities and staff as needed to administer this section. The department may contract, upon approval by the board, for those facilities and staff needed to administer this section, including routine management, as it deems necessary. The board may advertise for or solicit proposals from public or private sources, or both, for administration of this section or any services required for administration of this section or any portion thereof. It is the intent of the Legislature that the board endeavor to ensure that the costs of administration of this section are as low as possible in order to provide the water consumers of Mississippi safe drinking water at affordable prices.

(d) Members of the board may not receive any salary, compensation or per diem for the performance of their duties under this section.

(2) (a) There is created a special fund in the State Treasury to be designated as the "Local Governments and Rural Water Systems Improvements Revolving Loan Fund," referred to in this section as "revolving fund," which fund shall consist of those monies as provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The revolving fund may receive appropriations, bond proceeds, grants, gifts, donations or funds from any source, public or private. Except as otherwise provided in this section, the revolving fund shall be credited with all repayments of principal and interest derived from loans made from the revolving fund. Except as otherwise provided in this section, the monies in the revolving fund may be expended only in amounts appropriated by the Legislature, and the different amounts specifically provided for the loan program and the grant program shall be so designated. Except as otherwise provided in this section, monies in the fund may only be expended for the grant program from the amount designated for such program. The revolving fund shall be maintained in perpetuity for the purposes established in this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Unexpended amounts remaining in the revolving fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the revolving fund shall be

deposited to the credit of the fund. Monies in the revolving fund may not be used or expended for any purpose except as authorized under this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Any monies in the fund may be used to match any federal funds that are available for the same or related purposes for which funds are used and expended under this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Any federal funds shall be used and expended only in accordance with federal laws, rules and regulations governing the expenditure of those funds. No person shall use any monies from the revolving fund for the acquisition of real property or any interest in real property unless that property is integral to the project funded under this section and the purchase is made from a willing seller. No county, incorporated municipality or district shall acquire any real property or any interest in any real property for a project funded through the revolving fund by condemnation. The board's application of Sections 43-37-1 through 43-37-13 shall be no more stringent or extensive in scope, coverage and effect than federal property acquisition laws and regulations.

(b) There is created a special fund in the State Treasury to be designated as the "Local Governments and Rural Water Systems Emergency Loan Fund," hereinafter referred to as "emergency fund," which fund shall consist of those monies as provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The emergency fund may receive appropriations, bond proceeds, grants,

gifts, donations or funds from any source, public or private. Except as otherwise provided in this section, the emergency fund shall be credited with all repayments of principal and interest derived from loans made from the emergency fund. Except as otherwise provided in this section, the monies in the emergency fund may be expended only in amounts appropriated by the Legislature. The emergency fund shall be maintained in perpetuity for the purposes established in this section and Section 6 of Chapter 521, Laws of 1995. Unexpended amounts remaining in the emergency fund at the end of a fiscal year shall not lapse into the State General Fund. Any interest earned on amounts in the emergency fund shall be deposited to the credit of the fund. Monies in the emergency fund may not be used or expended for any purpose except as authorized under this section and Section 6 of Chapter 521, Laws of 1995.

(c) The board created in subsection (1) shall establish loan and grant programs by which loans and grants may be made available to counties, incorporated municipalities, districts or other water organizations that have been granted tax-exempt status under either federal or state law, to assist those counties, incorporated municipalities, districts or water organizations in making water systems improvements, including the construction of new water systems or expansion or repair of existing water systems. Any entity eligible under this section may receive either a loan or a grant, or both. No grant awarded under the

program established in this section may be made using funds from the loan program. Grants may be awarded only when the Legislature specifically appropriates funds for that particular purpose. The interest rate on those loans may vary from time to time and from loan to loan, and will be at or below market interest rates as determined by the board. The board shall act as quickly as is practicable and prudent in deciding on any loan request that it receives. Loans from the revolving fund or emergency fund may be made to counties, incorporated municipalities, districts or other water organizations that have been granted tax-exempt status under either federal or state law, as set forth in a loan agreement in amounts not to exceed one hundred percent (100%) of eligible project costs as established by the board. The board may require county, municipal, district or other water organization participation or funding from other sources, or otherwise limit the percentage of costs covered by loans from the revolving fund or the emergency fund. The board may establish a maximum amount for any loan from the revolving fund or emergency fund in order to provide for broad and equitable participation in the programs.

(d) A county that receives a loan from the revolving fund or the emergency fund shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77, as may be required to meet the repayment schedule contained in the loan agreement. An incorporated municipality that receives a loan from

the revolving fund or the emergency fund shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75, as may be required to meet the repayment schedule contained in the loan agreement. All recipients of such loans shall establish a dedicated source of revenue for repayment of the loan. Before any county or incorporated municipality shall receive any loan, it shall have executed with the Department of Revenue and the board a loan agreement evidencing that loan. The loan agreement shall not be construed to prohibit any recipient from prepaying any part or all of the funds received. The repayment schedule in each loan agreement shall provide for (i) monthly payments, (ii) semiannual payments, or (iii) other periodic payments, the annual total of which shall not exceed the annual total for any other year of the loan by more than fifteen percent (15%). Except as otherwise provided in subsection (4) of this section, the loan agreement shall provide for the repayment of all funds received from the revolving fund within not more than fifteen (15) years or a term as otherwise allowed by the federal Safe Drinking Water Act, and all funds received from the emergency fund within not more than five (5) years from the date of project completion, and any repayment shall commence not later than one (1) year after project completion. The Department of Revenue shall withhold semiannually from counties and monthly from incorporated municipalities from

the amount to be remitted to the county or municipality, a sum equal to the next repayment as provided in the loan agreement.

(e) Any county, incorporated municipality, district or other water organization desiring to construct a project approved by the board which receives a loan from the state for that purpose but which is not eligible to pledge for repayment under the provisions of paragraph (d) of this subsection shall repay that loan by making payments each month to the State Treasurer through the Department of Finance and Administration for and on behalf of the board according to Section 7-7-15, to be credited to either the revolving fund or the emergency fund, whichever is appropriate, in lieu of pledging homestead exemption annual tax loss reimbursement or sales tax revenue distribution.

Loan repayments shall be according to a repayment schedule contained in each loan agreement as provided in paragraph (d) of this subsection.

(f) Any district created pursuant to Sections 19-5-151 through 19-5-207 that receives a loan from the revolving fund or the emergency fund shall pledge for repayment of the loan any part of the revenues received by that district pursuant to Sections 19-5-151 through 19-5-207, as may be required to meet the repayment schedule contained in the loan agreement.

(g) The State Auditor, upon request of the board, shall audit the receipts and expenditures of a county, an incorporated municipality, district or other water organization whose loan

repayments appear to be in arrears, and if the Auditor finds that the county, incorporated municipality, district or other water organization is in arrears in those repayments, the Auditor shall immediately notify the chairman of the board who may take any action as may be necessary to enforce the terms of the loan agreement, including liquidation and enforcement of the security given for repayment of the loan, and the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption annual tax loss reimbursements under Section 27-33-77 and all sums allocated to the county or the incorporated municipality under Section 27-65-75 until such time as the county or the incorporated municipality is again current in its loan repayments as certified by the board.

(h) Except as otherwise provided in this section, all monies deposited in the revolving fund or the emergency fund, including loan repayments and interest earned on those repayments, shall be used only for providing loans or other financial assistance to water systems as the board deems appropriate. In addition, any amounts in the revolving fund or the emergency fund may be used to defray the reasonable costs of administering the revolving fund or the emergency fund and conducting activities under this section and Sections 6 through 20 of Chapter 521, Laws of 1995, subject to any limitations established in the federal Safe Drinking Water Act, as amended and subject to annual

appropriation by the Legislature. The department is authorized, upon approval by the board, to use amounts available to it from the revolving fund or the emergency fund to contract for those facilities and staff needed to administer and provide routine management for the funds and loan program. However, notwithstanding any other provision of law to the contrary, all or any portion of repayments of principal and interest derived from the fund uses described in this section may be designated or pledged for repayment of a loan as provided for in Section 31-25-28 in connection with a loan from the Mississippi Development Bank.

(3) In administering this section and Sections 6 through 20 of Chapter 521, Laws of 1995, the board created in subsection (1) of this section shall have the following powers and duties:

(a) To supervise the use of all funds made available under this section and Sections 6 through 20 of Chapter 521, Laws of 1995, for local governments and rural water systems improvements;

(b) To promulgate rules and regulations, to make variances and exceptions thereto, and to establish procedures in accordance with this section and Sections 6 through 20 of Chapter 521, Laws of 1995, for the implementation of the local governments and rural water systems improvements revolving loan program;

(c) To require, at the board's discretion, any loan or grant recipient to impose a per connection fee or surcharge or

amended water rate schedule or tariff on each customer or any class of customers, benefiting from an improvement financed by a loan or grant made under this section, for repayment of any loan funds provided under this section and Sections 6 through 20 of Chapter 521, Laws of 1995. The board may require any loan or grant recipient to undergo a water system viability analysis and may require a loan or grant recipient to implement any result of the viability analysis. If the loan recipient fails to implement any result of a viability analysis as required by the board, the board may impose a monetary penalty or increase the interest rate on the loan, or both. If the grant recipient fails to implement any result of a viability analysis as required by the board, the board may impose a monetary penalty on the grant;

(d) To review and certify all projects for which funds are authorized to be made available under this section and Sections 6 through 20 of Chapter 521, Laws of 1995, for local governments and rural water systems improvements;

(e) To requisition monies in the Local Governments and Rural Water Systems Improvements Revolving Loan Fund and the Local Governments and Rural Water Systems Emergency Loan Fund and distribute those monies on a project-by-project basis in accordance with this section;

(f) To ensure that the funds made available under this section and Sections 6 through 20 of Chapter 521, Laws of 1995, to a county, an incorporated municipality, a district or a water

organization that has been granted tax-exempt status under either federal or state law provide for a distribution of projects and funds among the entities under a priority system established by the board;

(g) To maintain in accordance with generally accepted government accounting standards an accurate record of all monies in the revolving fund and the emergency fund made available to counties, incorporated municipalities, districts or other water organizations under this section and Sections 6 through 20 of Chapter 521, Laws of 1995, and the costs for each project;

(h) To establish policies, procedures and requirements concerning viability and financial capability to repay loans that may be used in approving loans available under this section, including a requirement that all loan recipients have a rate structure which will be sufficient to cover the costs of operation, maintenance, major equipment replacement and repayment of any loans made under this section; and

(i) To file annually with the Legislature a report detailing how monies in the Local Governments and Rural Water Systems Improvements Revolving Loan Fund and the Local Governments and Rural Water Systems Emergency Loan Fund were spent during the preceding fiscal year in each county, incorporated municipality, district or other water organization, the number of projects approved and constructed, and the cost of each project.

For efficient and effective administration of the loan program, revolving fund and emergency fund, the board may authorize the department or the State Health Officer to carry out any or all of the powers and duties enumerated above.

(4) The board may, on a case-by-case basis and to the extent allowed by federal law, renegotiate the payment of principal and interest on loans made under this section to the six (6) most southern counties of the state covered by the Presidential Declaration of Major Disaster for the State of Mississippi (FEMA-1604-DR) dated August 29, 2005, and to incorporated municipalities, districts or other water organizations located in such counties; however, the interest on the loans shall not be forgiven for a period of more than twenty-four (24) months and the maturity of the loans shall not be extended for a period of more than forty-eight (48) months.

SECTION 8. Section 41-3-17, Mississippi Code of 1972, is reenacted as follows:

41-3-17. The State Board of Health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and to carry out the purposes and objectives of its creation. It is further authorized to make reasonable sanitary rules and regulations, to be enforced in the several counties by the county health officer under the supervision and control of the State Board of Health. The State Board of Health shall not make or enforce any rule or regulation

that prohibits consumers from providing their own containers for the purpose of purchasing or accepting water from any vending machine or device which filters or treats water that has already been tested and determined to meet or exceed the minimum health protection standards prescribed for drinking water under the Mississippi Safe Drinking Water Law, if that vending machine or device meets or exceeds United States Environmental Protection Agency or national automatic merchandising standards.

SECTION 9. Section 41-3-18, Mississippi Code of 1972, is reenacted as follows:

41-3-18. (1) The board shall assess fees in the following amounts and for the following purposes:

(a) Food establishment annual permit fee, based on the assessment factors of the establishment as follows:

Assessment Category 1.....$ 30.00
Assessment Category 2..... 100.00
Assessment Category 3..... 150.00
Assessment Category 4..... 200.00

(b) Private water supply approval fee.....$ 10.00

The board may develop such reasonable standards, rules and regulations to clearly define each assessment category. Assessment categories shall be based upon the factors to the public health implications of the category and type of food preparation being utilized by the food establishment, utilizing

the model Food Code of 1995, or as may be amended by the federal Food and Drug Administration.

Any increase in the fees charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(2) The fee authorized under subsection (1)(a) of this section shall not be assessed for:

(a) Food establishments operated by public schools, public junior and community colleges, or state agencies or institutions, including, without limitation, the state institutions of higher learning and the State Penitentiary; and

(b) Persons who make infrequent casual sales of honey and who pack or sell less than five hundred (500) gallons of honey per year, and those persons shall not be inspected by the State Department of Health unless requested by the producer.

(3) The fee authorized under subsection (1)(b) of this section shall not be assessed for private water supplies used by foster homes licensed by the Department of Human Services.

SECTION 10. Section 41-3-19, Mississippi Code of 1972, is reenacted as follows:

41-3-19. It is the duty of the State Board of Health to make a report, in writing, to the Governor, on or before the first day of December next preceding each session, not an extraordinary session of the Legislature, upon the sanitary condition, prospect, and needs of the state, setting forth the action of said board, of

its officers and agents, the names thereof, and all its expenditures since the last preceding report, and such other matters as it may deem proper for the promotion of health or the prevention of disease. The report shall be laid before the Legislature by the Governor at its ensuing term.

SECTION 11. Section 41-3-20, Mississippi Code of 1972, is amended as follows:

41-3-20. Sections 41-3-1.1, 41-3-3, 41-3-4, 41-3-5.1, 41-3-6, 41-3-15, 41-3-16, 41-3-17, 41-3-18 and 41-3-19, which create the * * * State Board of Health, establish the position of Executive Officer of the State Department of Health and establish the State Department of Health and prescribe its powers and duties, shall stand repealed on July 1, * * * 2024.

SECTION 12. Section 41-7-191, Mississippi Code of 1972, is amended as follows:

41-7-191. (1) No person shall engage in any of the following activities without obtaining the required certificate of need:

(a) The construction, development or other establishment of a new health care facility, which establishment shall include the reopening of a health care facility that has ceased to operate for a period of sixty (60) months or more;

(b) The relocation of a health care facility or portion thereof, or major medical equipment, unless such relocation of a health care facility or portion thereof, or major medical

equipment, which does not involve a capital expenditure by or on behalf of a health care facility, is within five thousand two hundred eighty (5,280) feet from the main entrance of the health care facility;

(c) Any change in the existing bed complement of any health care facility through the addition or conversion of any beds or the alteration, modernizing or refurbishing of any unit or department in which the beds may be located; however, if a health care facility has voluntarily delicensed some of its existing bed complement, it may later relicense some or all of its delicensed beds without the necessity of having to acquire a certificate of need. The State Department of Health shall maintain a record of the delicensing health care facility and its voluntarily delicensed beds and continue counting those beds as part of the state's total bed count for health care planning purposes. If a health care facility that has voluntarily delicensed some of its beds later desires to relicense some or all of its voluntarily delicensed beds, it shall notify the State Department of Health of its intent to increase the number of its licensed beds. The State Department of Health shall survey the health care facility within thirty (30) days of that notice and, if appropriate, issue the health care facility a new license reflecting the new contingent of beds. However, in no event may a health care facility that has voluntarily delicensed some of its beds be reissued a license to operate beds in excess of its bed count before the voluntary

delicensure of some of its beds without seeking certificate of need approval;

(d) Offering of the following health services if those services have not been provided on a regular basis by the proposed provider of such services within the period of twelve (12) months prior to the time such services would be offered:

(i) Open-heart surgery services;

(ii) Cardiac catheterization services;

(iii) Comprehensive inpatient rehabilitation services;

(iv) Licensed psychiatric services;

(v) Licensed chemical dependency services;

(vi) Radiation therapy services;

(vii) Diagnostic imaging services of an invasive nature, i.e. invasive digital angiography;

(viii) Nursing home care as defined in subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);

(ix) Home health services;

(x) Swing-bed services;

(xi) Ambulatory surgical services;

(xii) Magnetic resonance imaging services;

(xiii) [Deleted]

(xiv) Long-term care hospital services;

(xv) Positron emission tomography (PET) services;

(e) The relocation of one or more health services from one physical facility or site to another physical facility or site, unless such relocation, which does not involve a capital expenditure by or on behalf of a health care facility, (i) is to a physical facility or site within five thousand two hundred eighty (5,280) feet from the main entrance of the health care facility where the health care service is located, or (ii) is the result of an order of a court of appropriate jurisdiction or a result of pending litigation in such court, or by order of the State Department of Health, or by order of any other agency or legal entity of the state, the federal government, or any political subdivision of either, whose order is also approved by the State Department of Health;

(f) The acquisition or otherwise control of any major medical equipment for the provision of medical services; however, (i) the acquisition of any major medical equipment used only for research purposes, and (ii) the acquisition of major medical equipment to replace medical equipment for which a facility is already providing medical services and for which the State Department of Health has been notified before the date of such acquisition shall be exempt from this paragraph; an acquisition for less than fair market value must be reviewed, if the acquisition at fair market value would be subject to review;

(g) Changes of ownership of existing health care facilities in which a notice of intent is not filed with the State

Department of Health at least thirty (30) days prior to the date such change of ownership occurs, or a change in services or bed capacity as prescribed in paragraph (c) or (d) of this subsection as a result of the change of ownership; an acquisition for less than fair market value must be reviewed, if the acquisition at fair market value would be subject to review;

(h) The change of ownership of any health care facility defined in subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h), in which a notice of intent as described in paragraph (g) has not been filed and if the Executive Director, Division of Medicaid, Office of the Governor, has not certified in writing that there will be no increase in allowable costs to Medicaid from revaluation of the assets or from increased interest and depreciation as a result of the proposed change of ownership;

(i) Any activity described in paragraphs (a) through (h) if undertaken by any person if that same activity would require certificate of need approval if undertaken by a health care facility;

(j) Any capital expenditure or deferred capital expenditure by or on behalf of a health care facility not covered by paragraphs (a) through (h);

(k) The contracting of a health care facility as defined in subparagraphs (i) through (viii) of Section 41-7-173(h) to establish a home office, subunit, or branch office in the space operated as a health care facility through a formal arrangement

with an existing health care facility as defined in subparagraph (ix) of Section 41-7-173(h);

(l) The replacement or relocation of a health care facility designated as a critical access hospital shall be exempt from subsection (1) of this section so long as the critical access hospital complies with all applicable federal law and regulations regarding such replacement or relocation;

(m) Reopening a health care facility that has ceased to operate for a period of sixty (60) months or more, which reopening requires a certificate of need for the establishment of a new health care facility.

(2) The State Department of Health shall not grant approval for or issue a certificate of need to any person proposing the new construction of, addition to, or expansion of any health care facility defined in subparagraphs (iv) (skilled nursing facility) and (vi) (intermediate care facility) of Section 41-7-173(h) or the conversion of vacant hospital beds to provide skilled or intermediate nursing home care, except as hereinafter authorized:

(a) The department may issue a certificate of need to any person proposing the new construction of any health care facility defined in subparagraphs (iv) and (vi) of Section 41-7-173(h) as part of a life care retirement facility, in any county bordering on the Gulf of Mexico in which is located a National Aeronautics and Space Administration facility, not to exceed forty (40) beds. From and after July 1, 1999, there shall

be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the health care facility that were authorized under this paragraph (a).

(b) The department may issue certificates of need in Harrison County to provide skilled nursing home care for Alzheimer's disease patients and other patients, not to exceed one hundred fifty (150) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facilities that were authorized under this paragraph (b).

(c) The department may issue a certificate of need for the addition to or expansion of any skilled nursing facility that is part of an existing continuing care retirement community located in Madison County, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this

paragraph (c), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The total number of beds that may be authorized under the authority of this paragraph (c) shall not exceed sixty (60) beds.

(d) The State Department of Health may issue a certificate of need to any hospital located in DeSoto County for the new construction of a skilled nursing facility, not to exceed one hundred twenty (120) beds, in DeSoto County. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facility that were authorized under this paragraph (d).

(e) The State Department of Health may issue a certificate of need for the construction of a nursing facility or the conversion of beds to nursing facility beds at a personal care

facility for the elderly in Lowndes County that is owned and operated by a Mississippi nonprofit corporation, not to exceed sixty (60) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facility that were authorized under this paragraph (e).

(f) The State Department of Health may issue a certificate of need for conversion of a county hospital facility in Itawamba County to a nursing facility, not to exceed sixty (60) beds, including any necessary construction, renovation or expansion. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facility that were authorized under this paragraph (f).

(g) The State Department of Health may issue a certificate of need for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility beds in either Hinds, Madison or Rankin County, not to exceed sixty (60) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the nursing facility that were authorized under this paragraph (g).

(h) The State Department of Health may issue a certificate of need for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility

beds in either Hancock, Harrison or Jackson County, not to exceed sixty (60) beds. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the facility that were authorized under this paragraph (h).

(i) The department may issue a certificate of need for the new construction of a skilled nursing facility in Leake County, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this paragraph (i), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or

revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The provision of Section 41-7-193(1) regarding substantial compliance of the projection of need as reported in the current State Health Plan is waived for the purposes of this paragraph. The total number of nursing facility beds that may be authorized by any certificate of need issued under this paragraph (i) shall not exceed sixty (60) beds. If the skilled nursing facility authorized by the certificate of need issued under this paragraph is not constructed and fully operational within eighteen (18) months after July 1, 1994, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need, if it is still outstanding, and shall not issue a license for the skilled nursing facility at any time after the expiration of the eighteen-month period.

(j) The department may issue certificates of need to allow any existing freestanding long-term care facility in Tishomingo County and Hancock County that on July 1, 1995, is licensed with fewer than sixty (60) beds. For the purposes of this paragraph (j), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as

reported in the current State Health Plan are waived. From and after July 1, 1999, there shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the beds in the long-term care facilities that were authorized under this paragraph (j).

(k) The department may issue a certificate of need for the construction of a nursing facility at a continuing care retirement community in Lowndes County. The total number of beds that may be authorized under the authority of this paragraph (k) shall not exceed sixty (60) beds. From and after July 1, 2001, the prohibition on the facility participating in the Medicaid program (Section 43-13-101 et seq.) that was a condition of issuance of the certificate of need under this paragraph (k) shall be revised as follows: The nursing facility may participate in the Medicaid program from and after July 1, 2001, if the owner of the facility on July 1, 2001, agrees in writing that no more than thirty (30) of the beds at the facility will be certified for participation in the Medicaid program, and that no claim will be submitted for Medicaid reimbursement for more than thirty (30) patients in the facility in any month or for any patient in the facility who is in a bed that is not Medicaid-certified. This written agreement by the owner of the facility shall be a condition of licensure of the facility, and the agreement shall be fully binding on any subsequent owner of the facility if the ownership of the facility is transferred at any time after July 1,

2001. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify more than thirty (30) of the beds in the facility for participation in the Medicaid program. If the facility violates the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than thirty (30) patients who are participating in the Medicaid program, the State Department of Health shall revoke the license of the facility, at the time that the department determines, after a hearing complying with due process, that the facility has violated the written agreement.

(l) Provided that funds are specifically appropriated therefor by the Legislature, the department may issue a certificate of need to a rehabilitation hospital in Hinds County for the construction of a sixty-bed long-term care nursing facility dedicated to the care and treatment of persons with severe disabilities including persons with spinal cord and closed-head injuries and ventilator dependent patients. The provisions of Section 41-7-193(1) regarding substantial compliance with projection of need as reported in the current State Health Plan are waived for the purpose of this paragraph.

(m) The State Department of Health may issue a certificate of need to a county-owned hospital in the Second Judicial District of Panola County for the conversion of not more than seventy-two (72) hospital beds to nursing facility beds, provided that the recipient of the certificate of need agrees in

writing that none of the beds at the nursing facility will be certified for participation in the Medicaid program (Section 43-13-101 et seq.), and that no claim will be submitted for Medicaid reimbursement in the nursing facility in any day or for any patient in the nursing facility. This written agreement by the recipient of the certificate of need shall be a condition of the issuance of the certificate of need under this paragraph, and the agreement shall be fully binding on any subsequent owner of the nursing facility if the ownership of the nursing facility is transferred at any time after the issuance of the certificate of need. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify any of the beds in the nursing facility for participation in the Medicaid program. If the nursing facility violates the terms of the written agreement by admitting or keeping in the nursing facility on a regular or continuing basis any patients who are participating in the Medicaid program, the State Department of Health shall revoke the license of the nursing facility, at the time that the department determines, after a hearing complying with due process, that the nursing facility has violated the condition upon which the certificate of need was issued, as provided in this paragraph and in the written agreement. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 2001, the department shall deny the application for the certificate of need and shall not

issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 2001, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. However, if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

(n) The department may issue a certificate of need for the new construction, addition or conversion of skilled nursing facility beds in Madison County, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not

participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this paragraph (n), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The total number of nursing facility beds that may be authorized by any certificate of need issued under this paragraph (n) shall not exceed sixty (60) beds. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 1998, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 1998, the State Department of Health, after a hearing complying with due process, shall revoke the certificate

of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. However, if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

(o) The department may issue a certificate of need for the new construction, addition or conversion of skilled nursing facility beds in Leake County, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this paragraph (o), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating

in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The total number of nursing facility beds that may be authorized by any certificate of need issued under this paragraph (o) shall not exceed sixty (60) beds. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 2001, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 2001, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. However, if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six

(6) months after final adjudication on the issuance of the certificate of need.

(p) The department may issue a certificate of need for the construction of a municipally owned nursing facility within the Town of Belmont in Tishomingo County, not to exceed sixty (60) beds, provided that the recipient of the certificate of need agrees in writing that the skilled nursing facility will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the skilled nursing facility who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the skilled nursing facility, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the skilled nursing facility will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this paragraph (p), and if such skilled nursing facility at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the skilled nursing facility, at the time that the department determines, after a hearing complying with due

process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The provision of Section 41-7-193(1) regarding substantial compliance of the projection of need as reported in the current State Health Plan is waived for the purposes of this paragraph. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 1998, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 1998, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. However, if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

(q) (i) Beginning on July 1, 1999, the State Department of Health shall issue certificates of need during each of the next four (4) fiscal years for the construction or

expansion of nursing facility beds or the conversion of other beds to nursing facility beds in each county in the state having a need for fifty (50) or more additional nursing facility beds, as shown in the fiscal year 1999 State Health Plan, in the manner provided in this paragraph (q). The total number of nursing facility beds that may be authorized by any certificate of need authorized under this paragraph (q) shall not exceed sixty (60) beds.

(ii) Subject to the provisions of subparagraph (v), during each of the next four (4) fiscal years, the department shall issue six (6) certificates of need for new nursing facility beds, as follows: During fiscal years 2000, 2001 and 2002, one (1) certificate of need shall be issued for new nursing facility beds in the county in each of the four (4) Long-Term Care Planning Districts designated in the fiscal year 1999 State Health Plan that has the highest need in the district for those beds; and two (2) certificates of need shall be issued for new nursing facility beds in the two (2) counties from the state at large that have the highest need in the state for those beds, when considering the need on a statewide basis and without regard to the Long-Term Care Planning Districts in which the counties are located. During fiscal year 2003, one (1) certificate of need shall be issued for new nursing facility beds in any county having a need for fifty (50) or more additional nursing facility beds, as shown in the fiscal year 1999 State Health Plan, that has not received a certificate of need under this paragraph (q) during the three (3)

previous fiscal years. During fiscal year 2000, in addition to the six (6) certificates of need authorized in this subparagraph, the department also shall issue a certificate of need for new nursing facility beds in Amite County and a certificate of need for new nursing facility beds in Carroll County.

(iii) Subject to the provisions of subparagraph (v), the certificate of need issued under subparagraph (ii) for nursing facility beds in each Long-Term Care Planning District during each fiscal year shall first be available for nursing facility beds in the county in the district having the highest need for those beds, as shown in the fiscal year 1999 State Health Plan. If there are no applications for a certificate of need for nursing facility beds in the county having the highest need for those beds by the date specified by the department, then the certificate of need shall be available for nursing facility beds in other counties in the district in descending order of the need for those beds, from the county with the second highest need to the county with the lowest need, until an application is received for nursing facility beds in an eligible county in the district.

(iv) Subject to the provisions of subparagraph (v), the certificate of need issued under subparagraph (ii) for nursing facility beds in the two (2) counties from the state at large during each fiscal year shall first be available for nursing facility beds in the two (2) counties that have the highest need in the state for those beds, as shown in the fiscal year 1999

State Health Plan, when considering the need on a statewide basis and without regard to the Long-Term Care Planning Districts in which the counties are located. If there are no applications for a certificate of need for nursing facility beds in either of the two (2) counties having the highest need for those beds on a statewide basis by the date specified by the department, then the certificate of need shall be available for nursing facility beds in other counties from the state at large in descending order of the need for those beds on a statewide basis, from the county with the second highest need to the county with the lowest need, until an application is received for nursing facility beds in an eligible county from the state at large.

(v) If a certificate of need is authorized to be issued under this paragraph (q) for nursing facility beds in a county on the basis of the need in the Long-Term Care Planning District during any fiscal year of the four-year period, a certificate of need shall not also be available under this paragraph (q) for additional nursing facility beds in that county on the basis of the need in the state at large, and that county shall be excluded in determining which counties have the highest need for nursing facility beds in the state at large for that fiscal year. After a certificate of need has been issued under this paragraph (q) for nursing facility beds in a county during any fiscal year of the four-year period, a certificate of need shall not be available again under this paragraph (q) for

additional nursing facility beds in that county during the four-year period, and that county shall be excluded in determining which counties have the highest need for nursing facility beds in succeeding fiscal years.

(vi) If more than one (1) application is made for a certificate of need for nursing home facility beds available under this paragraph (q), in Yalobusha, Newton or Tallahatchie County, and one (1) of the applicants is a county-owned hospital located in the county where the nursing facility beds are available, the department shall give priority to the county-owned hospital in granting the certificate of need if the following conditions are met:

1. The county-owned hospital fully meets all applicable criteria and standards required to obtain a certificate of need for the nursing facility beds; and

2. The county-owned hospital's qualifications for the certificate of need, as shown in its application and as determined by the department, are at least equal to the qualifications of the other applicants for the certificate of need.

(r) (i) Beginning on July 1, 1999, the State Department of Health shall issue certificates of need during each of the next two (2) fiscal years for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility beds in each of the four (4) Long-Term Care

Planning Districts designated in the fiscal year 1999 State Health Plan, to provide care exclusively to patients with Alzheimer's disease.

(ii) Not more than twenty (20) beds may be authorized by any certificate of need issued under this paragraph (r), and not more than a total of sixty (60) beds may be authorized in any Long-Term Care Planning District by all certificates of need issued under this paragraph (r). However, the total number of beds that may be authorized by all certificates of need issued under this paragraph (r) during any fiscal year shall not exceed one hundred twenty (120) beds, and the total number of beds that may be authorized in any Long-Term Care Planning District during any fiscal year shall not exceed forty (40) beds. Of the certificates of need that are issued for each Long-Term Care Planning District during the next two (2) fiscal years, at least one (1) shall be issued for beds in the northern part of the district, at least one (1) shall be issued for beds in the central part of the district, and at least one (1) shall be issued for beds in the southern part of the district.

(iii) The State Department of Health, in consultation with the Department of Mental Health and the Division of Medicaid, shall develop and prescribe the staffing levels, space requirements and other standards and requirements that must be met with regard to the nursing facility beds authorized under

this paragraph (r) to provide care exclusively to patients with Alzheimer's disease.

(s) The State Department of Health may issue a certificate of need to a nonprofit skilled nursing facility using the Green House model of skilled nursing care and located in Yazoo City, Yazoo County, Mississippi, for the construction, expansion or conversion of not more than nineteen (19) nursing facility beds. For purposes of this paragraph (s), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived. There shall be no prohibition or restrictions on participation in the Medicaid program for the person receiving the certificate of need authorized under this paragraph (s).

(t) The State Department of Health shall issue certificates of need to the owner of a nursing facility in operation at the time of Hurricane Katrina in Hancock County that was not operational on December 31, 2005, because of damage sustained from Hurricane Katrina to authorize the following: (i) the construction of a new nursing facility in Harrison County; (ii) the relocation of forty-nine (49) nursing facility beds from the Hancock County facility to the new Harrison County facility; (iii) the establishment of not more than twenty (20) non-Medicaid nursing facility beds at the Hancock County facility; and (iv) the

establishment of not more than twenty (20) non-Medicaid beds at the new Harrison County facility. The certificates of need that authorize the non-Medicaid nursing facility beds under subparagraphs (iii) and (iv) of this paragraph (t) shall be subject to the following conditions: The owner of the Hancock County facility and the new Harrison County facility must agree in writing that no more than fifty (50) of the beds at the Hancock County facility and no more than forty-nine (49) of the beds at the Harrison County facility will be certified for participation in the Medicaid program, and that no claim will be submitted for Medicaid reimbursement for more than fifty (50) patients in the Hancock County facility in any month, or for more than forty-nine (49) patients in the Harrison County facility in any month, or for any patient in either facility who is in a bed that is not Medicaid-certified. This written agreement by the owner of the nursing facilities shall be a condition of the issuance of the certificates of need under this paragraph (t), and the agreement shall be fully binding on any later owner or owners of either facility if the ownership of either facility is transferred at any time after the certificates of need are issued. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify more than fifty (50) of the beds at the Hancock County facility or more than forty-nine (49) of the beds at the Harrison County facility for participation in the Medicaid program. If the Hancock County facility violates

the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than fifty (50) patients who are participating in the Medicaid program, or if the Harrison County facility violates the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than forty-nine (49) patients who are participating in the Medicaid program, the State Department of Health shall revoke the license of the facility that is in violation of the agreement, at the time that the department determines, after a hearing complying with due process, that the facility has violated the agreement.

(u) The State Department of Health shall issue a certificate of need to a nonprofit venture for the establishment, construction and operation of a skilled nursing facility of not more than sixty (60) beds to provide skilled nursing care for ventilator dependent or otherwise medically dependent pediatric patients who require medical and nursing care or rehabilitation services to be located in a county in which an academic medical center and a children's hospital are located, and for any construction and for the acquisition of equipment related to those beds. The facility shall be authorized to keep such ventilator dependent or otherwise medically dependent pediatric patients beyond age twenty-one (21) in accordance with regulations of the State Board of Health. For purposes of this paragraph (u), the provisions of Section 41-7-193(1) requiring substantial compliance

with the projection of need as reported in the current State Health Plan are waived, and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived. The beds authorized by this paragraph shall be counted as pediatric skilled nursing facility beds for health planning purposes under Section 41-7-171 et seq. There shall be no prohibition of or restrictions on participation in the Medicaid program for the person receiving the certificate of need authorized by this paragraph.

(3) The State Department of Health may grant approval for and issue certificates of need to any person proposing the new construction of, addition to, conversion of beds of or expansion of any health care facility defined in subparagraph (x) (psychiatric residential treatment facility) of Section 41-7-173(h). The total number of beds which may be authorized by such certificates of need shall not exceed three hundred thirty-four (334) beds for the entire state.

(a) Of the total number of beds authorized under this subsection, the department shall issue a certificate of need to a privately owned psychiatric residential treatment facility in Simpson County for the conversion of sixteen (16) intermediate care facility for the mentally retarded (ICF-MR) beds to psychiatric residential treatment facility beds, provided that facility agrees in writing that the facility shall give priority

for the use of those sixteen (16) beds to Mississippi residents who are presently being treated in out-of-state facilities.

(b) Of the total number of beds authorized under this subsection, the department may issue a certificate or certificates of need for the construction or expansion of psychiatric residential treatment facility beds or the conversion of other beds to psychiatric residential treatment facility beds in Warren County, not to exceed sixty (60) psychiatric residential treatment facility beds, provided that the facility agrees in writing that no more than thirty (30) of the beds at the psychiatric residential treatment facility will be certified for participation in the Medicaid program (Section 43-13-101 et seq.) for the use of any patients other than those who are participating only in the Medicaid program of another state, and that no claim will be submitted to the Division of Medicaid for Medicaid reimbursement for more than thirty (30) patients in the psychiatric residential treatment facility in any day or for any patient in the psychiatric residential treatment facility who is in a bed that is not Medicaid-certified. This written agreement by the recipient of the certificate of need shall be a condition of the issuance of the certificate of need under this paragraph, and the agreement shall be fully binding on any subsequent owner of the psychiatric residential treatment facility if the ownership of the facility is transferred at any time after the issuance of the certificate of need. After this written agreement is executed, the Division of

Medicaid and the State Department of Health shall not certify more than thirty (30) of the beds in the psychiatric residential treatment facility for participation in the Medicaid program for the use of any patients other than those who are participating only in the Medicaid program of another state. If the psychiatric residential treatment facility violates the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than thirty (30) patients who are participating in the Mississippi Medicaid program, the State Department of Health shall revoke the license of the facility, at the time that the department determines, after a hearing complying with due process, that the facility has violated the condition upon which the certificate of need was issued, as provided in this paragraph and in the written agreement.

The State Department of Health, on or before July 1, 2002, shall transfer the certificate of need authorized under the authority of this paragraph (b), or reissue the certificate of need if it has expired, to River Region Health System.

(c) Of the total number of beds authorized under this subsection, the department shall issue a certificate of need to a hospital currently operating Medicaid-certified acute psychiatric beds for adolescents in DeSoto County, for the establishment of a forty-bed psychiatric residential treatment facility in DeSoto County, provided that the hospital agrees in writing (i) that the hospital shall give priority for the use of those forty (40) beds

to Mississippi residents who are presently being treated in out-of-state facilities, and (ii) that no more than fifteen (15) of the beds at the psychiatric residential treatment facility will be certified for participation in the Medicaid program (Section 43-13-101 et seq.), and that no claim will be submitted for Medicaid reimbursement for more than fifteen (15) patients in the psychiatric residential treatment facility in any day or for any patient in the psychiatric residential treatment facility who is in a bed that is not Medicaid-certified. This written agreement by the recipient of the certificate of need shall be a condition of the issuance of the certificate of need under this paragraph, and the agreement shall be fully binding on any subsequent owner of the psychiatric residential treatment facility if the ownership of the facility is transferred at any time after the issuance of the certificate of need. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify more than fifteen (15) of the beds in the psychiatric residential treatment facility for participation in the Medicaid program. If the psychiatric residential treatment facility violates the terms of the written agreement by admitting or keeping in the facility on a regular or continuing basis more than fifteen (15) patients who are participating in the Medicaid program, the State Department of Health shall revoke the license of the facility, at the time that the department determines, after a hearing complying with due process, that the facility has

violated the condition upon which the certificate of need was issued, as provided in this paragraph and in the written agreement.

(d) Of the total number of beds authorized under this subsection, the department may issue a certificate or certificates of need for the construction or expansion of psychiatric residential treatment facility beds or the conversion of other beds to psychiatric treatment facility beds, not to exceed thirty (30) psychiatric residential treatment facility beds, in either Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw, Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

(e) Of the total number of beds authorized under this subsection (3) the department shall issue a certificate of need to a privately owned, nonprofit psychiatric residential treatment facility in Hinds County for an eight-bed expansion of the facility, provided that the facility agrees in writing that the facility shall give priority for the use of those eight (8) beds to Mississippi residents who are presently being treated in out-of-state facilities.

(f) The department shall issue a certificate of need to a one-hundred-thirty-four-bed specialty hospital located on twenty-nine and forty-four one-hundredths (29.44) commercial acres at 5900 Highway 39 North in Meridian (Lauderdale County), Mississippi, for the addition, construction or expansion of child/adolescent psychiatric residential treatment facility beds

in Lauderdale County. As a condition of issuance of the certificate of need under this paragraph, the facility shall give priority in admissions to the child/adolescent psychiatric residential treatment facility beds authorized under this paragraph to patients who otherwise would require out-of-state placement. The Division of Medicaid, in conjunction with the Department of Human Services, shall furnish the facility a list of all out-of-state patients on a quarterly basis. Furthermore, notice shall also be provided to the parent, custodial parent or guardian of each out-of-state patient notifying them of the priority status granted by this paragraph. For purposes of this paragraph, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of child/adolescent psychiatric residential treatment facility beds that may be authorized under the authority of this paragraph shall be sixty (60) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the person receiving the certificate of need authorized under this paragraph or for the beds converted pursuant to the authority of that certificate of need.

(4) (a) From and after * * * passage of this act, the department * * * may issue a certificate of need to any person for the new construction of any hospital, psychiatric hospital or chemical dependency hospital that will contain any

child/adolescent psychiatric or child/adolescent chemical dependency beds, or for the conversion of any other health care facility to a hospital, psychiatric hospital or chemical dependency hospital that will contain any child/adolescent psychiatric or child/adolescent chemical dependency beds * * *. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the person(s) receiving the certificate(s) of need authorized under this paragraph (a) or for the beds converted pursuant to the authority of that certificate of need. In issuing any new certificate of need for any child/adolescent psychiatric or child/adolescent chemical dependency beds, either by new construction or conversion of beds of another category, the department shall give preference to beds which will be located in an area of the state which does not have such beds located in it, and to a location more than sixty-five (65) miles from existing beds. Upon receiving 2020 census data, the department may amend the State Health Plan regarding child/adolescent psychiatric and child/adolescent chemical dependency beds to reflect the need based on new census data.

(i) * * * [Deleted]

(ii) The department may issue a certificate of need for the conversion of existing beds in a county hospital in Choctaw County from acute care beds to child/adolescent chemical dependency beds. For purposes of this subparagraph (ii), the

provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of beds that may be authorized under authority of this subparagraph shall not exceed twenty (20) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the hospital receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

(iii) The department may issue a certificate or certificates of need for the construction or expansion of child/adolescent psychiatric beds or the conversion of other beds to child/adolescent psychiatric beds in Warren County. For purposes of this subparagraph (iii), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of beds that may be authorized under the authority of this subparagraph shall not exceed twenty (20) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the person receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

If by January 1, 2002, there has been no significant commencement of construction of the beds authorized under this

subparagraph (iii), or no significant action taken to convert existing beds to the beds authorized under this subparagraph, then the certificate of need that was previously issued under this subparagraph shall expire. If the previously issued certificate of need expires, the department may accept applications for issuance of another certificate of need for the beds authorized under this subparagraph, and may issue a certificate of need to authorize the construction, expansion or conversion of the beds authorized under this subparagraph.

(iv) The department shall issue a certificate of need to the Region 7 Mental Health/Retardation Commission for the construction or expansion of child/adolescent psychiatric beds or the conversion of other beds to child/adolescent psychiatric beds in any of the counties served by the commission. For purposes of this subparagraph (iv), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of beds that may be authorized under the authority of this subparagraph shall not exceed twenty (20) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the person receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

(v) The department may issue a certificate of need to any county hospital located in Leflore County for the construction or expansion of adult psychiatric beds or the conversion of other beds to adult psychiatric beds, not to exceed twenty (20) beds, provided that the recipient of the certificate of need agrees in writing that the adult psychiatric beds will not at any time be certified for participation in the Medicaid program and that the hospital will not admit or keep any patients who are participating in the Medicaid program in any of such adult psychiatric beds. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the hospital if the ownership of the hospital is transferred at any time after the issuance of the certificate of need. Agreement that the adult psychiatric beds will not be certified for participation in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this subparagraph (v), and if such hospital at any time after the issuance of the certificate of need, regardless of the ownership of the hospital, has any of such adult psychiatric beds certified for participation in the Medicaid program or admits or keeps any Medicaid patients in such adult psychiatric beds, the State Department of Health shall revoke the certificate of need, if it is still outstanding, and shall deny or revoke the license of the hospital at the time that the department determines, after a hearing complying with due process, that the hospital has failed

to comply with any of the conditions upon which the certificate of need was issued, as provided in this subparagraph and in the written agreement by the recipient of the certificate of need.

(vi) The department may issue a certificate or certificates of need for the expansion of child psychiatric beds or the conversion of other beds to child psychiatric beds at the University of Mississippi Medical Center. For purposes of this subparagraph (vi), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived. The total number of beds that may be authorized under the authority of this subparagraph shall not exceed fifteen (15) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the hospital receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

(b) From and after July 1, 1990, no hospital, psychiatric hospital or chemical dependency hospital shall be authorized to add any child/adolescent psychiatric or child/adolescent chemical dependency beds or convert any beds of another category to child/adolescent psychiatric or child/adolescent chemical dependency beds without a certificate of need under the authority of subsection (1)(c) and subsection (4)(a) of this section.

(5) The department may issue a certificate of need to a county hospital in Winston County for the conversion of fifteen (15) acute care beds to geriatric psychiatric care beds.

(6) The State Department of Health shall issue a certificate of need to a Mississippi corporation qualified to manage a long-term care hospital as defined in Section 41-7-173(h)(xii) in Harrison County, not to exceed eighty (80) beds, including any necessary renovation or construction required for licensure and certification, provided that the recipient of the certificate of need agrees in writing that the long-term care hospital will not at any time participate in the Medicaid program (Section 43-13-101 et seq.) or admit or keep any patients in the long-term care hospital who are participating in the Medicaid program. This written agreement by the recipient of the certificate of need shall be fully binding on any subsequent owner of the long-term care hospital, if the ownership of the facility is transferred at any time after the issuance of the certificate of need. Agreement that the long-term care hospital will not participate in the Medicaid program shall be a condition of the issuance of a certificate of need to any person under this subsection (6), and if such long-term care hospital at any time after the issuance of the certificate of need, regardless of the ownership of the facility, participates in the Medicaid program or admits or keeps any patients in the facility who are participating in the Medicaid program, the State Department of Health shall revoke the

certificate of need, if it is still outstanding, and shall deny or revoke the license of the long-term care hospital, at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this subsection and in the written agreement by the recipient of the certificate of need. For purposes of this subsection, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived.

(7) The State Department of Health may issue a certificate of need to any hospital in the state to utilize a portion of its beds for the "swing-bed" concept. Any such hospital must be in conformance with the federal regulations regarding such swing-bed concept at the time it submits its application for a certificate of need to the State Department of Health, except that such hospital may have more licensed beds or a higher average daily census (ADC) than the maximum number specified in federal regulations for participation in the swing-bed program. Any hospital meeting all federal requirements for participation in the swing-bed program which receives such certificate of need shall render services provided under the swing-bed concept to any patient eligible for Medicare (Title XVIII of the Social Security Act) who is certified by a physician to be in need of such services, and no such hospital shall permit any patient who is

eligible for both Medicaid and Medicare or eligible only for Medicaid to stay in the swing beds of the hospital for more than thirty (30) days per admission unless the hospital receives prior approval for such patient from the Division of Medicaid, Office of the Governor. Any hospital having more licensed beds or a higher average daily census (ADC) than the maximum number specified in federal regulations for participation in the swing-bed program which receives such certificate of need shall develop a procedure to insure that before a patient is allowed to stay in the swing beds of the hospital, there are no vacant nursing home beds available for that patient located within a fifty-mile radius of the hospital. When any such hospital has a patient staying in the swing beds of the hospital and the hospital receives notice from a nursing home located within such radius that there is a vacant bed available for that patient, the hospital shall transfer the patient to the nursing home within a reasonable time after receipt of the notice. Any hospital which is subject to the requirements of the two (2) preceding sentences of this subsection may be suspended from participation in the swing-bed program for a reasonable period of time by the State Department of Health if the department, after a hearing complying with due process, determines that the hospital has failed to comply with any of those requirements.

(8) The Department of Health shall not grant approval for or issue a certificate of need to any person proposing the new

construction of, addition to or expansion of a health care facility as defined in subparagraph (viii) of Section 41-7-173(h), except as hereinafter provided: The department may issue a certificate of need to a nonprofit corporation located in Madison County, Mississippi, for the construction, expansion or conversion of not more than twenty (20) beds in a community living program for developmentally disabled adults in a facility as defined in subparagraph (viii) of Section 41-7-173(h). For purposes of this subsection (8), the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived. There shall be no prohibition or restrictions on participation in the Medicaid program for the person receiving the certificate of need authorized under this subsection (8).

(9) The Department of Health shall not grant approval for or issue a certificate of need to any person proposing the establishment of, or expansion of the currently approved territory of, or the contracting to establish a home office, subunit or branch office within the space operated as a health care facility as defined in Section 41-7-173(h)(i) through (viii) by a health care facility as defined in subparagraph (ix) of Section 41-7-173(h).

(10) Health care facilities owned and/or operated by the state or its agencies are exempt from the restraints in this

section against issuance of a certificate of need if such addition or expansion consists of repairing or renovation necessary to comply with the state licensure law. This exception shall not apply to the new construction of any building by such state facility. This exception shall not apply to any health care facilities owned and/or operated by counties, municipalities, districts, unincorporated areas, other defined persons, or any combination thereof.

(11) The new construction, renovation or expansion of or addition to any health care facility defined in subparagraph (ii) (psychiatric hospital), subparagraph (iv) (skilled nursing facility), subparagraph (vi) (intermediate care facility), subparagraph (viii) (intermediate care facility for the mentally retarded) and subparagraph (x) (psychiatric residential treatment facility) of Section 41-7-173(h) which is owned by the State of Mississippi and under the direction and control of the State Department of Mental Health, and the addition of new beds or the conversion of beds from one category to another in any such defined health care facility which is owned by the State of Mississippi and under the direction and control of the State Department of Mental Health, shall not require the issuance of a certificate of need under Section 41-7-171 et seq., notwithstanding any provision in Section 41-7-171 et seq. to the contrary.

(12) The new construction, renovation or expansion of or addition to any veterans homes or domiciliaries for eligible veterans of the State of Mississippi as authorized under Section 35-1-19 shall not require the issuance of a certificate of need, notwithstanding any provision in Section 41-7-171 et seq. to the contrary.

(13) The repair or the rebuilding of an existing, operating health care facility that sustained significant damage from a natural disaster that occurred after April 15, 2014, in an area that is proclaimed a disaster area or subject to a state of emergency by the Governor or by the President of the United States shall be exempt from all of the requirements of the Mississippi Certificate of Need Law (Section 41-7-171 et seq.) and any and all rules and regulations promulgated under that law, subject to the following conditions:

(a) The repair or the rebuilding of any such damaged health care facility must be within one (1) mile of the pre-disaster location of the campus of the damaged health care facility, except that any temporary post-disaster health care facility operating location may be within five (5) miles of the pre-disaster location of the damaged health care facility;

(b) The repair or the rebuilding of the damaged health care facility (i) does not increase or change the complement of its bed capacity that it had before the Governor's or the President's proclamation, (ii) does not increase or change its

levels and types of health care services that it provided before the Governor's or the President's proclamation, and (iii) does not rebuild in a different county; however, this paragraph does not restrict or prevent a health care facility from decreasing its bed capacity that it had before the Governor's or the President's proclamation, or from decreasing the levels of or decreasing or eliminating the types of health care services that it provided before the Governor's or the President's proclamation, when the damaged health care facility is repaired or rebuilt;

(c) The exemption from Certificate of Need Law provided under this subsection (13) is valid for only five (5) years from the date of the Governor's or the President's proclamation. If actual construction has not begun within that five-year period, the exemption provided under this subsection is inapplicable; and

(d) The Division of Health Facilities Licensure and Certification of the State Department of Health shall provide the same oversight for the repair or the rebuilding of the damaged health care facility that it provides to all health care facility construction projects in the state.

For the purposes of this subsection (13), "significant damage" to a health care facility means damage to the health care facility requiring an expenditure of at least One Million Dollars ($1,000,000.00).

(14) The State Department of Health shall issue a certificate of need to any hospital which is currently licensed

for two hundred fifty (250) or more acute care beds and is located in any general hospital service area not having a comprehensive cancer center, for the establishment and equipping of such a center which provides facilities and services for outpatient radiation oncology therapy, outpatient medical oncology therapy, and appropriate support services including the provision of radiation therapy services. The provisions of Section 41-7-193(1) regarding substantial compliance with the projection of need as reported in the current State Health Plan are waived for the purpose of this subsection.

(15) The State Department of Health may authorize the transfer of hospital beds, not to exceed sixty (60) beds, from the North Panola Community Hospital to the South Panola Community Hospital. The authorization for the transfer of those beds shall be exempt from the certificate of need review process.

(16) The State Department of Health shall issue any certificates of need necessary for Mississippi State University and a public or private health care provider to jointly acquire and operate a linear accelerator and a magnetic resonance imaging unit. Those certificates of need shall cover all capital expenditures related to the project between Mississippi State University and the health care provider, including, but not limited to, the acquisition of the linear accelerator, the magnetic resonance imaging unit and other radiological modalities; the offering of linear accelerator and magnetic resonance imaging

services; and the cost of construction of facilities in which to locate these services. The linear accelerator and the magnetic resonance imaging unit shall be (a) located in the City of Starkville, Oktibbeha County, Mississippi; (b) operated jointly by Mississippi State University and the public or private health care provider selected by Mississippi State University through a request for proposals (RFP) process in which Mississippi State University selects, and the Board of Trustees of State Institutions of Higher Learning approves, the health care provider that makes the best overall proposal; (c) available to Mississippi State University for research purposes two-thirds (2/3) of the time that the linear accelerator and magnetic resonance imaging unit are operational; and (d) available to the public or private health care provider selected by Mississippi State University and approved by the Board of Trustees of State Institutions of Higher Learning one-third (1/3) of the time for clinical, diagnostic and treatment purposes. For purposes of this subsection, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived.

(17) The State Department of Health shall issue a certificate of need for the construction of an acute care hospital in Kemper County, not to exceed twenty-five (25) beds, which shall be named the "John C. Stennis Memorial Hospital." In issuing the certificate of need under this subsection, the department shall

give priority to a hospital located in Lauderdale County that has two hundred fifteen (215) beds. For purposes of this subsection, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the person or entity receiving the certificate of need authorized under this subsection or for the beds constructed under the authority of that certificate of need.

(18) The planning, design, construction, renovation, addition, furnishing and equipping of a clinical research unit at any health care facility defined in Section 41-7-173(h) that is under the direction and control of the University of Mississippi Medical Center and located in Jackson, Mississippi, and the addition of new beds or the conversion of beds from one (1) category to another in any such clinical research unit, shall not require the issuance of a certificate of need under Section 41-7-171 et seq., notwithstanding any provision in Section 41-7-171 et seq. to the contrary.

(19) [Repealed]

(20) Nothing in this section or in any other provision of Section 41-7-171 et seq. shall prevent any nursing facility from designating an appropriate number of existing beds in the facility

as beds for providing care exclusively to patients with Alzheimer's disease.

(21) Nothing in this section or any other provision of Section 41-7-171 et seq. shall prevent any health care facility from the new construction, renovation, conversion or expansion of new beds in the facility designated as intensive care units, negative pressure rooms, or isolation rooms pursuant to the provisions of Sections 41-14-1 through 41-14-11. For purposes of this subsection, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan and the provisions of Section 41-7-197 requiring a formal certificate of need hearing process are waived.

SECTION 13. On or before December 1, 2021, each existing health care facility with child/adolescent psychiatric or child/adolescent chemical dependency beds shall file with the Mississippi Department of Health, the Mississippi Department of Mental Health and the Coordinator of Mental Health Accessibility a description of their plan to help their patients remain in noninstitutional settings when practical. This plan may include coordination with the community mental health centers and other providers. The plan need not be detailed or lengthy, but it shall set forth efforts to ensure the facility is coordinating with other entities.

SECTION 14. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 294

Description: Hospices; delete repealer on authority for prescribing certain drugs without in-person visit with a patient.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H)	Referred To Public Health and Human Services
2	01/26	(H)	Title Suff Do Pass
3	02/03	(H)	Passed {Vote}
4	02/04	(H)	Transmitted To Senate
5	02/16	(S)	Referred To Public Health and Welfare
6	03/02	(S)	Title Suff Do Pass As Amended
7	03/08	(S)	Amended
8	03/08	(S)	Passed As Amended {Vote}
9	03/09	(S)	Returned For Concurrence
10	03/11	(H)	Concurred in Amend From Senate {Vote}
11	03/11	(H)	Motion to Reconsider Entered (Mims, McGee)
12	03/15	(H)	Motion to Reconsider Tabled
13	03/16	(S)	Enrolled Bill Signed
14	03/16	(H)	Enrolled Bill Signed
15	03/22		Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 294

Code Section: A 041-0029-0137.1, A 041-0029-0137, A 041-0085-0007

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Currie
Additional Authors: Bounds

Title: AN ACT TO AMEND SECTION 41-29-137.1, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE SECTION THAT AUTHORIZES MEDICAL DIRECTORS OF HOSPICES TO PRESCRIBE CONTROLLED SUBSTANCES FOR PATIENTS OF THE HOSPICE FOR TERMINAL DISEASE PAIN WITHOUT HAVING AN IN-PERSON FACE-TO-FACE VISIT WITH A PATIENT BEFORE ISSUING A PRESCRIPTION; TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION; TO AMEND SECTION 41-85-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO ISSUE UP TO TWO NEW PEDIATRIC PALLIATIVE CARE HOSPICE LICENSES DURING A CERTAIN PERIOD OF TIME; TO REQUIRE THAT AT LEAST ONE OF THE NEW HOSPICE LICENSES BE ISSUED TO AN APPLICANT THAT IS LOCATED WITHIN THE SECOND UNITED STATES CONGRESSIONAL DISTRICT; TO EXTEND THE DATE OF THE REPEALER ON THE MORATORIUM ON THE ISSUANCE OF NEW HOSPICE LICENSES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Currie, Bounds

To: Public Health and Human Services

HOUSE BILL NO. 294
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-29-137.1, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE SECTION THAT AUTHORIZES MEDICAL DIRECTORS OF HOSPICES TO PRESCRIBE CONTROLLED SUBSTANCES FOR PATIENTS OF THE HOSPICE FOR TERMINAL DISEASE PAIN WITHOUT HAVING AN IN-PERSON FACE-TO-FACE VISIT WITH A PATIENT BEFORE ISSUING A PRESCRIPTION; TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION; TO AMEND SECTION 41-85-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO ISSUE UP TO TWO NEW PEDIATRIC PALLIATIVE CARE HOSPICE LICENSES DURING A CERTAIN PERIOD OF TIME; TO REQUIRE THAT AT LEAST ONE OF THE NEW HOSPICE LICENSES BE ISSUED TO AN APPLICANT THAT IS LOCATED WITHIN THE SECOND UNITED STATES CONGRESSIONAL DISTRICT; TO EXTEND THE DATE OF THE REPEALER ON THE MORATORIUM ON THE ISSUANCE OF NEW HOSPICE LICENSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-29-137.1, Mississippi Code of 1972, is amended as follows:

41-29-137.1. The medical director of a licensed hospice, in his or her discretion, may prescribe controlled substances for a patient of the hospice for terminal disease pain without having an in-person face-to-face visit with the patient before issuing the prescription. The provisions of this section supersede the

provisions of any rule or regulation of a licensing agency to the contrary. * * *

SECTION 2. Section 41-29-137, Mississippi Code of 1972, is amended as follows:

41-29-137. (a) (1) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II, as set out in Section 41-29-115, may be dispensed without the written valid prescription of a practitioner. A practitioner shall keep a record of all controlled substances in Schedule I, II and III administered, dispensed or professionally used by him otherwise than by prescription.

(2) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule II drugs may be dispensed upon the oral valid prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Section 41-29-133. No prescription for a Schedule II substance may be refilled unless renewed by prescription issued by a licensed medical doctor.

(b) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, as set out in Sections 41-29-117 and 41-29-119, shall not be dispensed without a written or oral valid prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date

thereof or be refilled more than five (5) times, unless renewed by the practitioner.

(c) A controlled substance included in Schedule V, as set out in Section 41-29-121, shall not be distributed or dispensed other than for a medical purpose.

(d) An optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through 73-19-165 shall be authorized to prescribe oral analgesic controlled substances in Schedule IV or V, as pertains to treatment and management of eye disease by written prescription only.

(e) Administration by injection of any pharmaceutical product authorized in this section is expressly prohibited except when dispensed directly by a practitioner other than a pharmacy.

(f) (1) For the purposes of this article, Title 73, Chapter 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it pertains to prescriptions for controlled substances, a "valid prescription" means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by:

(A) A practitioner who has conducted at least one (1) in-person medical evaluation of the patient, except as otherwise authorized by Section 41-29-137.1 * * *; or

(B) A covering practitioner.

(2) (A) "In-person medical evaluation" means a medical evaluation that is conducted with the patient in the physical

presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

(B) "Covering practitioner" means a practitioner who conducts a medical evaluation other than an in-person medical evaluation at the request of a practitioner who has conducted at least one (1) in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine within the previous twenty-four (24) months and who is temporarily unavailable to conduct the evaluation of the patient.

(3) A prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire is not a valid prescription.

(4) Nothing in this subsection (f) shall apply to:

(A) A prescription issued by a practitioner engaged in the practice of telemedicine as authorized under state or federal law; or

(B) The dispensing or selling of a controlled substance pursuant to practices as determined by the United States Attorney General by regulation.

SECTION 3. Section 41-85-7, Mississippi Code of 1972, is amended as follows:

41-85-7. (1) The administration of this chapter is vested in the Mississippi Department of Health, which shall:

(a) Prepare and furnish all forms necessary under the provisions of this chapter in relation to applications for licensure or renewals thereof;

(b) Collect in advance at the time of filing an application for a license or at the time of renewal of a license a fee of One Thousand Dollars ($1,000.00) for each site or location of the licensee; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 41-3-65;

(c) Levy a fee of Eighteen Dollars ($18.00) per bed for the review of inpatient hospice care; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 41-3-65;

(d) Conduct annual licensure inspections of all licensees which may be the same inspection as the annual Medicare certification inspection; and

(e) Promulgate applicable rules and standards in furtherance of the purpose of this chapter and may amend such rules as may be necessary. The rules shall include, but not be limited to, the following:

(i) The qualifications of professional and ancillary personnel in order to adequately furnish hospice care;

(ii) Standards for the organization and quality of patient care;

(iii) Procedures for maintaining records; and

(iv) Provision for the inpatient component of hospice care and for other professional and ancillary hospice services.

(2) All fees collected by the department under this section shall be used by the department exclusively for the purposes of licensure, regulation, inspection, investigations and discipline of hospices under this chapter.

(3) The State Department of Health shall not process any new applications for hospice licensure or issue any new hospice licenses, except renewals * * *, except as follows:

(a) * * * The department shall process applications for new hospice licenses filed during the period from and including March 27, 2017, through and until July 1, 2017, and shall issue no more than five (5) new hospice licenses in accordance with this chapter so long as the related applicant can show good cause for the issuance of the hospice license(s) for which application is made (including specifically, without limitation, the capability and capacity to provide unique or otherwise unavailable services related to serving patients under eighteen (18) years of age in the service area to which such application relates). If the applicant at the time of filing holds one or more hospice licenses, the applicant must be in good standing with the department regarding those licenses. Not more than two (2) of the new hospice licenses issued under this * * * paragraph (a) shall be issued to the same applicant.

(b) The department shall process applications for new pediatric palliative care hospice licenses filed during the period from and including the effective date of this section through and until July 1, 2021, and shall issue no more than two (2) new pediatric palliative care hospice licenses in accordance with this chapter so long as the applicant can show good cause for the issuance of the hospice license for which application is made. If the applicant at the time of filing holds one or more hospice licenses, the applicant must be in good standing with the department regarding those licenses. At least one (1) of the new hospice licenses issued under this paragraph (b) shall be issued to an applicant that is located within the Second United States Congressional District as it exists on January 1, 2021. Not more than one (1) of the new hospice licenses issued under this paragraph (b) shall be issued to the same applicant.

This subsection (3) shall stand repealed on July 1, * * * 2027.

(4) The provisions of subsection (3) prohibiting the processing of any new applications for hospice licensure shall not be applicable to an application for license reinstatement by a hospice whose license was temporarily suspended as a result of a federal audit by the U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG), and the audit has been concluded without any penalty imposed by the federal agency.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 341

Description: Motor carrier safety improvements; prohibit consideration of deployment of in determining an individual's employment status with motor carrier.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Transportation
2	01/26	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/22	(S) Referred To Judiciary, Division A
6	03/02	(S) Title Suff Do Pass
7	03/10	(S) Passed {Vote}
8	03/11	(S) Returned For Enrolling
9	03/12	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

----- Additional Information -----

House Committee: Transportation
Senate Committee: Judiciary, Division A

Principal Author: Busby

Title: AN ACT TO PROHIBIT THE CONSIDERATION OF THE DEPLOYMENT OF MOTOR CARRIER SAFETY IMPROVEMENTS IN DETERMINING AN INDIVIDUAL'S EMPLOYMENT STATUS WITH A MOTOR CARRIER; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Busby To: Transportation

HOUSE BILL NO. 341

AN ACT TO PROHIBIT THE CONSIDERATION OF THE DEPLOYMENT OF MOTOR CARRIER SAFETY IMPROVEMENTS IN DETERMINING AN INDIVIDUAL'S EMPLOYMENT STATUS WITH A MOTOR CARRIER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) For purposes of this section, the term "motor carrier safety improvement" means any device, equipment, software, technology, procedure, training, policy, program or operational practice intended and primarily used to improve or facilitate compliance with traffic safety or motor carrier safety laws, safety of a motor vehicle, safety of the operator of a motor vehicle, or safety of third-party users of highways of this state.

(2) The deployment, implementation or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, including by contract, shall not be considered when evaluating an individual's status as an employee or independent contractor, or as a jointly employed employee, under any state law.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 425

Description: Ad valorem tax; revise certain provisions regarding when an application for change of property assessment may be made.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/19	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass As Amended
7	03/10	(S) Amended
8	03/10	(S) Passed As Amended {Vote}
9	03/12	(S) Returned For Concurrence
10	03/17	(H) Decline to Concur/Invite Conf
11	03/23	(H) Conferees Named Lamar,Steverson,Morgan
12	03/24	(S) Conferees Named Harkins,Johnson,Younger
13	03/27	(S) Conference Report Filed
14	03/27	(H) Conference Report Filed
15	03/28	(H) Conference Report Adopted {Vote}
16	03/28	(S) Conference Report Adopted {Vote}
17	03/30	(H) Enrolled Bill Signed
18	03/30	(S) Enrolled Bill Signed
19	04/06	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 425

Conference Reports:

| Conference Report

Code Section: A 027-0035-0143

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Morgan
Additional Authors: Boyd, Darnell, Goodin, Ladner, Lamar, Mangold, McLeod, Scoggin, Shanks, Young, Williamson, Haney

Title: AN ACT TO AMEND SECTION 27-35-143, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A TAX ASSESSOR HAS KNOWLEDGE OF CERTAIN CIRCUMSTANCES OR OCCURRENCES THAT MAY AFFECT AN ASSESSMENT OF PROPERTY FOR AD VALOREM TAX PURPOSES, THE TAX ASSESSOR SHALL MAKE AN APPLICATION ON BEHALF OF THE INTERESTED PARTY WITH THE BOARD OF SUPERVISORS TO CHANGE, CANCEL OR DECREASE THE ASSESSMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Morgan, Boyd, Darnell, Goodin, Ladner, Lamar, Mangold, McLeod, Scoggin, Shanks, Young, Williamson, Haney

To: Ways and Means

HOUSE BILL NO. 425
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-35-143, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A TAX ASSESSOR HAS KNOWLEDGE OF CERTAIN CIRCUMSTANCES OR OCCURRENCES THAT MAY AFFECT AN ASSESSMENT OF PROPERTY FOR AD VALOREM TAX PURPOSES, THE TAX ASSESSOR SHALL MAKE AN APPLICATION ON BEHALF OF THE INTERESTED PARTY WITH THE BOARD OF SUPERVISORS TO CHANGE, CANCEL OR DECREASE THE ASSESSMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-35-143, Mississippi Code of 1972, is amended as follows:

27-35-143. (1) The board of supervisors of each county shall have power, upon application of the party interested, or by the assessor on behalf of such party, or otherwise as prescribed in Sections 27-35-145 through 27-35-149, to change, cancel or decrease an assessment in the manner herein provided at any time after the assessment roll containing such assessment has been finally approved by the * * * Department of Revenue, and, except as otherwise provided in subsection (2) of this section, prior to the last Monday in August next, under the following circumstances and no other:

* * *(a) When the same property has been assessed more than once to one or more persons.

* * *(b) When a clerical error has been made in transcribing the assessment from the tax list to the assessment roll, or from the assessment roll to the copies, or in amending the original assessment roll, in making the equalization of assessments, or in carrying out the instructions of the * * * Department of Revenue.

* * *(c) When an error in addition or multiplication has been made in the compilation of the tax list, roll or copy of the roll.

* * *(d) When there is an assessment of property which never existed, or was not owned by or in the possession of the party to whom assessed, on the next preceding tax lien date.

* * *(e) When the assessment is in the name of another than the owner of the property on the next preceding tax lien date.

* * *(f) When the assessment is so indefinite as to give a vague or imperfect description of the property assessed.

* * *(g) When the property assessed is nontaxable, or was not subject to taxation on the next preceding tax lien date.

* * *(h) When the property is not liable to a special district tax levy for which it has been assessed.

* * *(i) When the property, after the next preceding tax lien date, but before the payment of taxes due thereon, has

ceased to exist, on account of death or destruction by fire, explosion, storm, flood, earthquake, lightning, or other inevitable accident or act of Providence; or has depreciated in value on account of any such accident or occurrence as the foregoing.

Provided, however, that where property has been insured the amount collected as insurance by reason of such loss shall be taken into account by the board in reducing the assessment, or refunding any tax payment thereon.

* * *(j) When the assessment does not show the correct number of acres, actually in the property described, or the correct quantity of any property.

* * *(k) When lands have been assessed and incorrectly classified; or when buildings and improvements have been assessed which were not on the land, at the preceding tax lien date; or where the buildings and improvements, at the preceding tax lien date, were exempt from assessment and taxation.

* * *(l) When the property has been assessed for more than its actual value; but in such cases the board shall require proof, under oath, of such excessive assessment by two (2) or more competent witnesses who know of their own personal knowledge that the property is assessed for a higher sum than its true value.

* * *(m) When the property has been assessed as subject to state taxes and is exempt; or when the property has

been assessed as subject to county and district taxes and is exempt from such taxes.

* * *(n) When buildings and improvements have been assessed with the land, but are owned by someone other than the owner of the land.

(2) The assessor shall make an application on behalf of the party interested if the assessor has knowledge of any circumstance or occurrence described in subsection (1)(i) of this section regardless of whether the party interested has made such an application. If the assessor fails to make such application, the party interested may make an application with the board of supervisors not later than the last Monday in August after the assessment roll containing such assessment has been finally approved by the Department of Revenue, and the board of supervisors may change, cancel or decrease the assessment.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 488

Description: Libraries; authorize use of debit and credit cards.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Banking and Financial Services
2	01/28	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/17	(S) Referred To Business and Financial Institutions
6	03/02	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/04	(S) Motion to Reconsider Entered
9	03/11	(S) Motion to Reconsider Tabled
10	03/11	(S) Returned For Enrolling
11	03/11	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 039-0003-0021, BF 039-0003-0369

----- Additional Information -----

House Committee: Banking and Financial Services
Senate Committee: Business and Financial Institutions

Principal Author: Zuber
Additional Authors: Gibbs (72nd), Stamps

Title: AN ACT TO AMEND SECTION 39-3-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PUBLIC LIBRARIES TO ACCEPT CREDIT CARDS, DEBIT CARDS AND OTHER FORMS OF ELECTRONIC PAYMENT; TO BRING FORWARD SECTION 39-3-369, MISSISSIPPI CODE OF 1972, WHICH RELATES TO DISCLOSING INFORMATION AND COLLECTING FINES FOR OVERDUE

ITEMS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2021

By: Representatives Zuber, Gibbs (72nd), Stamps

To: Banking and Financial Services

HOUSE BILL NO. 488

AN ACT TO AMEND SECTION 39-3-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PUBLIC LIBRARIES TO ACCEPT CREDIT CARDS, DEBIT CARDS AND OTHER FORMS OF ELECTRONIC PAYMENT; TO BRING FORWARD SECTION 39-3-369, MISSISSIPPI CODE OF 1972, WHICH RELATES TO DISCLOSING INFORMATION AND COLLECTING FINES FOR OVERDUE ITEMS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 39-3-21, Mississippi Code of 1972, is amended as follows:

39-3-21. Except as otherwise provided for in this section, every public library or public library system established or maintained under this article shall be free for the use of the residents of the territory included within the library service area, subject to such reasonable rules and regulations as the administrative board of trustees finds necessary. Reasonable reimbursements may be collected for special library services, provided these are determined in advance and in writing by the administrative board of trustees.

The board of trustees of any public library may allow the payment of various fees and other accounts receivable to the

public library, by credit cards, charge cards, debit cards and other forms of electronic payment, in accordance with policies established by the State Auditor. Except as otherwise provided in this section, any fees or charges associated with the use of such electronic payments shall be assessed to the user of the electronic payment as an additional charge for processing the electronic payment, so that the user will pay the full cost of using the electronic payment.

SECTION 2. Section 39-3-369, Mississippi Code of 1972, is brought forward as follows:

39-3-369. No provision of this article shall be construed to prohibit any library, or any business operating jointly with a library, from disclosing information for the purpose of collecting overdue books, documents, films or other items or materials owned or otherwise belonging to such library. No provision of this article shall be construed to prohibit or hinder any such library or business office from collecting fines on such overdue books, documents, films or other items or materials.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 500

Description: Mississippi Home Corporation; extend reverter on authority to issue a certain amount of bonds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass As Amended
7	03/04	(S) Amended
8	03/04	(S) Passed As Amended {Vote}
9	03/08	(S) Returned For Concurrence
10	03/17	(H) Concurred in Amend From Senate {Vote}
11	03/18	(H) Enrolled Bill Signed
12	03/19	(S) Enrolled Bill Signed
13	03/25	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 500

Code Section: A 043-0033-0729

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 43-33-729, MISSISSIPPI CODE OF 1972, TO REMOVE THE REVERTER ON THE PROVISION OF LAW AUTHORIZING THE MISSISSIPPI HOME CORPORATION TO ISSUE NEGOTIABLE BONDS AND NOTES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 500
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-33-729, MISSISSIPPI CODE OF 1972, TO REMOVE THE REVERTER ON THE PROVISION OF LAW AUTHORIZING THE MISSISSIPPI HOME CORPORATION TO ISSUE NEGOTIABLE BONDS AND NOTES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-33-729, Mississippi Code of 1972, is amended as follows:

* * *

43-33-729. (1) The corporation may from time to time issue its negotiable bonds and notes in such principal amounts as, in the opinion of the corporation, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, including operating expenses and reserves, the payment of interest on bonds and notes of the corporation, establishment of reserves to secure such bonds and notes, and all other expenditures of the corporation incident to and necessary or convenient to carry out its corporate purposes and powers. Provided, except as otherwise authorized herein, bonds and notes may be issued annually under this article in an aggregate principal amount not to exceed Three

Hundred Fifty Million Dollars ($350,000,000.00), excluding bonds and notes issued to refund outstanding bonds and notes, bonds and notes in which the corporation acts as a conduit issuer and bonds and notes issued for purposes related to Hurricane Katrina. Such annual period shall be the same as the fiscal year of the state, commencing with the annual period of July 1, 2009, to June 30, 2010.

(2) The provisions of Sections 75-71-1 through 75-71-57, Mississippi Code of 1972 (the "Mississippi Securities Act"), shall not apply to bonds and notes issued under the authority of this article, and no application for a formal exemption from the provisions of such act shall be required with respect to such bonds and notes.

(3) Except as may otherwise be expressly provided by the corporation, all bonds and notes issued by the corporation shall be general obligations of the corporation, secured by the full faith and credit of the corporation and payable out of any monies, assets or revenues of the corporation, subject only to any agreement with the bondholders or noteholders pledging any particular monies, assets or revenues.

The corporation may issue bonds or notes to which the principal and interest are payable:

(a) Exclusively from the revenues of the corporation resulting from the use of the proceeds of such bonds or notes; or

(b) Exclusively from any particular revenues of the corporation, whether or not resulting from the use of the proceeds of such bonds or notes.

(4) Any bonds or notes issued by the corporation may be additionally secured:

(a) By private insurance, by a direct pay or standby letter of credit, or by any other credit enhancement facility procured by the corporation for the payment of any such bonds;

(b) By a pledge of any grant, subsidy or contribution from the United States or any agency or instrumentality thereof, or from the state or any agency, instrumentality or political subdivision thereof, or from any person, firm or corporation; or

(c) By the pledge of any securities, funds or reserves (or earnings thereon) available to the corporation.

(5) Bonds and notes issued by the corporation shall be authorized by a resolution or resolutions of the corporation adopted as provided for by this article; provided, that any such resolution authorizing the issuance of bonds or notes may delegate to an officer or officers of the corporation the power to issue such bonds or notes from time to time and to fix the details of any such issues of bonds or notes by an appropriate certification of such authorized officer.

(6) Except as specifically provided in this article, no notice, consent or approval by any governmental body or public officer shall be required as a prerequisite to the issuance, sale

or delivery of any bonds or notes of the corporation pursuant to the provisions of this article. However, all bonds or notes issued pursuant to this article may be validated, except as otherwise provided in this section, in accordance with the provisions of Sections 31-13-1 through 31-13-11, Mississippi Code of 1972, in the same manner as provided therein for bonds issued by a municipality. Any such validation proceedings shall be held in the First Judicial District of Hinds County, Mississippi. Notice thereof shall be given by publication in any newspaper published in the City of Jackson, Mississippi, and of general circulation throughout the state.

(7) It is hereby determined that the corporation is the sole entity in the state authorized to issue bonds or notes for the purposes of financing low and moderate income rental or residential housing as set forth in this article. In addition, the corporation shall have the power to issue mortgage credit certificates, as provided by Section 25 of the Internal Revenue Code of 1954, as amended, and to comply with all of the terms and conditions set forth in Section 25, as the same may be amended from time to time.

* * *

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 504

Description: Commission on School Accreditation; clarify membership composition.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Education
2	01/28	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/18	(S) Referred To Education
6	03/02	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/18	(H) Concurred in Amend From Senate {Vote}
11	03/22	(H) Enrolled Bill Signed
12	03/22	(S) Enrolled Bill Signed
13	03/29	Approved by Governor

Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 504

Code Section: A 037-0017-0003

----- Additional Information -----

House Committee: Education
Senate Committee: Education

Principal Author: Bennett

Title: AN ACT TO AMEND SECTION 37-17-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THE COMPOSITION OF THE COMMISSION ON SCHOOL ACCREDITATION TO REFLECT THE FOUR CONGRESSIONAL DISTRICTS AND APPOINTMENT OF THREE MEMBERS FROM THE STATE AT LARGE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Bennett To: Education

HOUSE BILL NO. 504
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-17-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THE COMPOSITION OF THE COMMISSION ON SCHOOL ACCREDITATION TO REFLECT THE FOUR CONGRESSIONAL DISTRICTS AND APPOINTMENT OF THREE MEMBERS FROM THE STATE AT LARGE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-17-3, Mississippi Code of 1972, is amended as follows:

37-17-3. The Commission on School Accreditation created under this section is hereby continued and reconstituted as follows:

The State Board of Education shall appoint a "Commission on School Accreditation" to be composed of fifteen (15) qualified members. The membership of said commission shall be composed of the following: two (2) classroom teachers, two (2) principals of schools, <u>one (1) administrator with expertise in special education representing exceptional schools and students,</u> one (1) superintendent of a separate school district, one (1) superintendent of a county or other school district, one (1) local school board member from a separate school district; one (1) local

school board member from a county or other school district; and * * * six (6) members who are not actively engaged in the education profession. Members of the commission serving on July 1, 1994, shall continue to serve until their term of office expires. No new appointments shall be made until such time as the expiration of a member's term has reduced the commission to less than fifteen (15) members, at which time new appointments shall be made from the categories specified hereinabove. The membership of said commission shall be appointed by the board upon recommendation of the State Superintendent of Public Education. In making the first appointments, five (5) members shall be appointed for a term of one (1) year, five (5) members shall be appointed for a term of two (2) years, five (5) members shall be appointed for a term of three (3) years, and five (5) members shall be appointed for a term of four (4) years. Thereafter, all members shall be appointed for a term of four (4) years. Said commission shall meet upon call of the State Superintendent of Public Education. * * * The commission shall consist of three (3) members * * * from each of the four (4) congressional districts, and three (3) members from the state at large. Each member of said commission shall receive the per diem authorized by Section 25-3-69, Mississippi Code of 1972, plus actual and necessary expenses and mileage as authorized by Section 25-3-41, Mississippi Code of 1972, for each day actually spent in attending the meetings of the commission. The expenses of said commission shall

be paid out of any funds available for the operation of the central office of the State Department of Education.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 511

Description: Amusement ride operating permit decal; revise period for issuance.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/19	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass As Amended
7	03/08	(S) Amended
8	03/08	(S) Passed As Amended {Vote}
9	03/09	(S) Returned For Concurrence
10	03/17	(H) Concurred in Amend From Senate {Vote}
11	03/18	(H) Enrolled Bill Signed
12	03/19	(S) Enrolled Bill Signed
13	03/25	Approved by Governor

Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 511

Code Section: A 045-0049-0003

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 45-49-3, MISSISSIPPI CODE OF 1972, TO CHANGE THE PERIOD FOR ISSUANCE OF AN AMUSEMENT RIDE OPERATING PERMIT DECAL FROM 12 MONTHS TO A CALENDAR YEAR; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 511

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 511
(As Sent to Governor)

AN ACT TO AMEND SECTION 45-49-3, MISSISSIPPI CODE OF 1972, TO CHANGE THE PERIOD FOR ISSUANCE OF AN AMUSEMENT RIDE OPERATING PERMIT DECAL FROM 12 MONTHS TO A CALENDAR YEAR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-49-3, Mississippi Code of 1972, is amended as follows:

45-49-3. (1) An amusement ride may not be operated in this state unless the Mississippi Department of Revenue has issued an operating permit decal for the amusement ride to the owner or operator * * * for the current calendar year.

(2) An application for an operating permit decal must be submitted to the department not fewer than fifteen (15) business days before the first time the amusement ride is operated in the state, and must include the following:

(a) Certificate of insurance in the amount of not less than One Million Dollars ($1,000,000.00) per occurrence that insures the owner or operator against liability for injury to

persons and property arising out of the use or operation of the amusement ride;

(b) Payment of a fee not to exceed One Hundred Dollars ($100.00); and

(c) Proof of satisfactory inspection of the ride by a qualified inspector, as defined in Section 45-49-5, conducted no earlier than fifteen (15) days before the submission of the application for an operating permit decal. The date of the inspection must be indicated on the proof of inspection.

(3) The operating permit decal shall be valid * * * until the end of the calendar year of the date of issue and must be in a manner and format as prescribed by the department.

(4) The operating permit decal must be affixed to the ride in a conspicuous location that is plainly visible to patrons.

(5) The department shall:

(a) Determine the manner and format of the operating permit decal, any forms to be used to apply for the decal, and any forms to be used to report serious injuries or illnesses;

(b) Make any forms and certifications available on the department's website and provide decals to owners or operators;

(c) Subject to the limitations of this act, determine the fee for the filing of an operating permit decal;

(d) Allow an owner or operator to apply for operating permit decals for multiple rides at one time, using one (1) form; and

(e) Charge one (1) fee for the filing of each application form, regardless of the number of rides listed on the application.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 512

Description: ABC agents/inspectors; revise certain provisions regarding powers of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H)	Referred To Ways and Means
2	01/19	(H)	Title Suff Do Pass
3	02/03	(H)	Passed {Vote}
4	02/04	(H)	Transmitted To Senate
5	02/16	(S)	Referred To Finance
6	02/25	(S)	Title Suff Do Pass
7	03/10	(S)	Passed {Vote}
8	03/11	(S)	Returned For Enrolling
9	03/12	(H)	Enrolled Bill Signed
10	03/12	(S)	Enrolled Bill Signed
11	03/17		Approved by Governor

Code Section: A 067-0001-0031

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 67-1-31, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE POWERS AND DUTIES OF THE AGENTS AND INSPECTORS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE, TO DELETE THE PROVISION THAT PROVIDES THAT NOTHING IN THAT SECTION SHALL BE CONSTRUED AS GRANTING AGENTS AND INSPECTORS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE GENERAL POLICE POWERS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 512

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 512

AN ACT TO AMEND SECTION 67-1-31, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE POWERS AND DUTIES OF THE AGENTS AND INSPECTORS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE, TO DELETE THE PROVISION THAT PROVIDES THAT NOTHING IN THAT SECTION SHALL BE CONSTRUED AS GRANTING AGENTS AND INSPECTORS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE GENERAL POLICE POWERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-31, Mississippi Code of 1972, is amended as follows:

67-1-31. The * * * department shall issue to all agents and inspectors appointed under this chapter a written certificate of appointment under the seal of said * * * department, of which judicial notice shall be taken by all courts of this state. Such agents and inspectors are hereby declared to be police officers in enforcing the provisions of this chapter, and in the performance of their duties such employees shall have the authority to bear arms, to make arrests, to make searches and seizures under this chapter, and to serve any protest, notice or order connected with the enforcement of this chapter by whatever officer or authority

of court issued. The members of the * * * department shall not be personally liable to any person on account of any act, neglect or omission of any such agent or inspector.

The powers and duties of the agents and inspectors shall include, in addition to all others prescribed by law the following powers: to arrest, without warrant, any person committing or attempting to commit a misdemeanor, felony or a breach of the peace within his presence or view, and to pursue and so arrest any person committing such an offense to and at any place in the state where the person may go or be; and to aid and assist any law enforcement officer, if requested. * * *

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 550

Description: Intermediate driver's license; delete all references to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Transportation
2	01/26	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/22	(S) Referred To Judiciary, Division A
6	02/25	(S) Title Suff Do Pass As Amended
7	03/04	(S) Amended
8	03/04	(S) Passed As Amended {Vote}
9	03/08	(S) Motion to Reconsider Entered
10	03/11	(S) Motion to Reconsider Tabled
11	03/11	(S) Returned For Concurrence
12	03/17	(H) Decline to Concur/Invite Conf
13	03/22	(H) Conferees Named Busby,Massengill,Yates
14	03/23	(S) Conferees Named Wiggins,DeBar,Simmons (12th)
15	03/25	(S) Conference Report Filed
16	03/25	(H) Conference Report Filed
17	03/26	(S) Conference Report Adopted {Vote}
18	03/27	(H) Conference Report Adopted {Vote}
19	03/28	(H) Enrolled Bill Signed
20	03/29	(S) Enrolled Bill Signed
21	04/05	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 550

Conference Reports:

| Conference Report

Code Section: A 045-0033-0043, A 063-0001-0005, A 063-0001-0009, A 063-0001-0010.1, A 063-0001-0021, A 063-0001-0023, A 063-0001-0035, A 063-0001-0043, A 063-0001-0047

----- Additional Information -----

House Committee: Transportation
Senate Committee: Judiciary, Division A

Principal Author: Busby

Title: AN ACT TO AMEND SECTIONS 45-33-43, 63-1-5, 63-1-9, 63-1-10.1, 63-1-23, 63-1-35, 63-1-43 AND 63-1-47, MISSISSIPPI CODE OF 1972, TO DELETE ALL REFERENCES TO AN INTERMEDIATE DRIVER'S LICENSE; TO AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A REGULAR LICENSE HOLDER UNDER THE AGE OF 18 TO DRIVE UNSUPERVISED AT ANY TIME DIRECTLY TO OR FROM AN EDUCATIONAL OR EXTRACURRICULAR ACTIVITY; TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 550

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Busby To: Transportation

HOUSE BILL NO. 550
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 45-33-43, 63-1-5, 63-1-9, 63-1-10.1, 63-1-23, 63-1-35, 63-1-43 AND 63-1-47, MISSISSIPPI CODE OF 1972, TO DELETE ALL REFERENCES TO AN INTERMEDIATE DRIVER'S LICENSE; TO AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A REGULAR LICENSE HOLDER UNDER THE AGE OF 18 TO DRIVE UNSUPERVISED AT ANY TIME DIRECTLY TO OR FROM AN EDUCATIONAL OR EXTRACURRICULAR ACTIVITY; TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-33-43, Mississippi Code of 1972, is amended as follows:

45-33-43. At the time a person surrenders a driver's license from another jurisdiction or makes an application for a driver's license, temporary driving permit, * * * commercial driver's license or identification card issued under Section 45-35-3, the department shall provide the applicant with written information on the registration requirements of this chapter and shall require written acknowledgment by the applicant of receipt of the notification.

SECTION 2. Section 63-1-5, Mississippi Code of 1972, is amended as follows:

63-1-5. (1) (a) No person shall drive or operate a motor vehicle or an autocycle as defined in Section 63-3-103 upon the highways of the State of Mississippi without first securing an operator's license to drive on the highways of the state, unless specifically exempted by Section 63-1-7.

(b) The types of operator's licenses are:

(i) Class R;

(ii) Class D;

(iii) Class A, B or C commercial license governed by Article 5 of this chapter; and

* * *

(* * *iv) Interlock-restricted license as prescribed in Section 63-11-31.

(2) (a) Every person who makes application for an original license or a renewal license to operate any single vehicle with a gross weight rating of less than twenty-six thousand one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds other than vehicles included in Class C, vehicles which require a special endorsement, or to operate a vehicle as a common carrier by motor vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as defined in Section 27-19-3, other than those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, may, in lieu of the Class R regular driver's license, apply for and obtain a Class D

driver's license. The fee for the issuance of a Class D driver's license shall be as set forth in Section 63-1-43 and the Class D license shall be valid for the term prescribed in Section 63-1-47. Except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a Class D or a commercial license regardless of the purpose for which the pickup truck is used.

(b) Persons operating vehicles listed in paragraph (a) of this subsection for private purposes or in emergencies need not obtain a Class D license.

(3) An interlock-restricted license allows a person to drive only a motor vehicle equipped with an iginition-interlock device.

(4) A person who violates this section is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment for not less than two (2) days nor more than six (6) months, by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or both.

SECTION 3. Section 63-1-9, Mississippi Code of 1972, is amended as follows:

63-1-9. (1) No driver's license * * * or regular learner's permit shall be issued pursuant to this article:

(a) To any person under the age of eighteen (18) years except as provided in this article.

(b) To any person whose license to operate a motor vehicle on the highways of Mississippi has been previously revoked

or suspended by this state or any other state or territory of the United States or the District of Columbia, if the revocation or suspension period has not expired.

(c) To any person who is an habitual drunkard or who is addicted to the use of other narcotic drugs.

(d) To any person who would not be able by reason of physical or mental disability to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and are driving a car provided with mechanical devices whereby the person is able to drive in a safe manner over the highways, if otherwise qualified, shall receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license.

(e) To any person as an operator who has previously been adjudged to be afflicted with and suffering from any mental disability and who has not at time of application been restored to mental competency.

(f) To any unmarried person under the age of eighteen (18) years who does not at the time of application present a diploma or other certificate of high school graduation or a general educational development certificate issued to the person in this state or any other state; or on whose behalf documentation has not been received by the Department of Public Safety from that person or a school official verifying that the person:

(i) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate;

(ii) Is enrolled in school in this state or any other state;

(iii) Is enrolled in a "nonpublic school," as such term is defined in Section 37-13-91(2)(i); or

(iv) Is unable to attend any school program due to circumstances deemed acceptable as set out in Section 63-1-10.

(g) To any person under the age of eighteen (18) years who has been convicted under Section 63-11-30.

(2) All permits and licenses issued on or before July 31, 2009, shall be valid according to the terms upon which issued. From and after August 1, 2009:

(a) A regular learner's permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article.

* * *

(* * *b) A driver's license may be issued to any person who is at least * * * sixteen (16) years of age who otherwise meets the requirements of this article and who has held * * * a regular learner's permit for at least one (1) year without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall restart the * * * one-year requirement for the

holding of * * * a regular learner's permit before an applicant can qualify for a driver's license. * * *

(* * *c) An applicant for a Mississippi driver's license who, at the time of application, is at least * * * sixteen (16) years of age and who has held a valid motor vehicle driver's license issued by another state for at least six (6) months shall not be required to hold a regular learner's permit * * * before being issued a driver's license.

(3) The commissioner shall ensure that the regular learner's permit * * * and driver's license issued under this article are clear, distinct and easily distinguishable from one another.

SECTION 4. Section 63-1-10.1, Mississippi Code of 1972, is amended as follows:

63-1-10.1. A school superintendent or designee shall report to the Department of Education on a schedule determined by the State Board of Education when a student under eighteen (18) years of age who has been issued a driver's license * * * or temporary learning permit has been coded as a "drop out" as defined by the State Board of Education. The Department of Education will provide notification to the Department of Public Safety of those students under eighteen (18) years of age who have obtained a driver's license * * * or temporary learning permit and have been coded by the local school district as a "drop out" upon verification that prior written parental consent for the release of educational records has been obtained in compliance with the

Family Educational Rights and Privacy Act of 1972, as amended, 20 USCS Section 1232.

SECTION 5. Section 63-1-21, Mississippi Code of 1972, is amended as follows:

63-1-21. (1) To obtain a new or original Class R or Class D * * * license, every applicant other than a person holding a valid out-of-state license shall first obtain a regular learner's permit, successfully complete the examination provided for in Section 63-1-33, and pay the regular learner's permit fee and examination fee prescribed in Section 63-1-43.

(2) A regular learner's permit entitles the holder, if the permit is in his immediate possession, to drive a motor vehicle other than a motorcycle on the highways of the State of Mississippi only when accompanied by a licensed operator who is at least twenty-one (21) years of age and who is actually occupying the seat beside the driver. A regular learner's permit may be issued to any applicant who is at least fifteen (15) years of age and shall be valid for a period of two (2) years from the date of issue.

(3) * * * A regular license holder under the age of eighteen (18) shall be allowed unsupervised driving from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday and Saturday, and * * * shall be allowed unsupervised driving any time for a person traveling directly to or from work or other educational or extracurricular activity. At all other times * * *

for the first six (6) months as a regular license holder, the regular license holder under the age of eighteen (18) must be supervised by a parent, guardian or other person aged twenty-one (21) years or older who holds a valid driver's license under this article and who is actually occupying the seat beside the driver.

* * *

SECTION 6. Section 63-1-23, Mississippi Code of 1972, is amended as follows:

63-1-23. The application of any person under the age of seventeen (17) years for a temporary driving permit * * * or license issued pursuant to this article shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of him, or in the event there is no guardian or employer then by any other responsible person who is willing to assume the obligation imposed under Section 63-1-25 upon a person signing the application of a minor.

SECTION 7. Section 63-1-35, Mississippi Code of 1972, is amended as follows:

63-1-35. (1) The Commissioner of Public Safety shall prescribe the form of license issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety. A licensee

shall list his social security number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33.

(2) The commissioner shall prescribe the form of license issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The license of such persons shall include a number and/or other identifying features.

(3) Any new, renewal or duplicate driver's license, temporary driving permit * * * or commercial driver's license issued to a person required to register as a sex offender pursuant

to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender.

(4) The commissioner is authorized to provide the new, renewal or duplicate driver's license, temporary driving permit * * * or commercial driver's license to any honorably discharged veteran as defined in Title 38 of the United States Code, and such license or permit shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214 or equivalent document that includes a notation from the State Veterans Affairs Board that the applicant is a veteran.

(5) Not later than July 1, 2021, the commissioner shall develop and implement a driver's license or driving permit in electronic format as an additional option for license or permit holders. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device.

SECTION 8. Section 63-1-43, Mississippi Code of 1972, is amended as follows:

63-1-43. (1) The commissioner shall charge and collect the following fees:

(a) Fees to which the card stock fee authorized in Section 45-1-21 shall be added:

Class R original or renewal four-year license authorized in Section 63-1-5.....$18.00

Class R original or renewal eight-year license authorized in Section 63-1-5.....$36.00

Class D original or renewal four-year license authorized in Section 63-1-47.....$23.00

Class D original or renewal eight-year license authorized in Section 63-1-47.....$46.00

Four-year Identification Card authorized in Section 45-35-7.....$11.00

Eight-year Identification Card authorized in Section 45-35-7.....$22.00

Eight-year Identification Card for the blind authorized in Section 45-35-7.....$11.00

Four-year Disability Identification Card authorized in Section 45-35-53.....$11.00

Regular Learner's Permit authorized in Section 63-1-21.....$ 1.00

Duplicate Identification Card or Disability Identification Card.....$ 5.00

* * *

Duplicate Class R or Class D license authorized in Section 63-1-37.....$ 5.00

Class A, B or C Commercial driver's license authorized in Section 63-1-208.....$48.00

CDL Learner's Permit authorized in Section 63-1-208.....$10.00

Duplicate CDL or CDL learner's permit.....$ 5.00

Ignition-Interlock-Restricted License authorized in Section 63-11-31.....$50.00

(b) Driver services fees to which the card stock fee authorized in Section 45-1-21 is not added:

Temporary Motorcycle Permit.....$ 1.00

Four-year or eight-year Motorcycle Endorsement.....$ 5.00

Late Renewal Fee.....$ 1.00

Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in Section 45-35-7 (one (1) time only).....No fee

Hazardous Materials Background Check (federal).....$63.00

Hazardous Materials Background Check (state).....$37.00

CDL Application Fee.....$25.00

CDL Endorsements:

Tanker Endorsement.....$ 5.00

Doubles/Triples Endorsement.....$ 5.00

Passenger Endorsement.....$ 5.00

Hazardous Materials Endorsement.....$ 5.00

School Bus Endorsement.....$ 5.00

(c) In addition to the fees required in this section, an applicant may contribute an additional One Dollar ($1.00) which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar ($1.00) which shall be deposited into the Statewide

Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.

(d) Starting January 1, 2021, for any original or renewal license for which the fee is greater than Ten Dollars ($10.00), if the applicant brings all required documentation but does not receive his or her license within two and one-half (2-1/2) hours of entering and remaining at the license station, Ten Dollars ($10.00) shall be deducted from the total amount owed for the license.

(2) All originals and renewals of operators' licenses shall be in compliance with Section 63-1-47.

SECTION 9. Section 63-1-47, Mississippi Code of 1972, is amended as follows:

63-1-47. (1) (a) Except as otherwise provided in this section, each applicant for an original or renewal Class R or Class D license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.

* * *

(* * *b) The term of an ignition-interlock-restricted license issued under this article shall be four (4) years.

(2) Any commercial driver's license issued under Article 5 of this chapter shall be issued for a five-year term to expire at midnight on the licensee's birthday.

(3) (a) All applications by an operator under eighteen (18) years of age must be accompanied by documentation that the applicant is in compliance with the education requirements of Section 63-1-9(1)(g), and the documentation used in establishing compliance must be dated no more than thirty (30) days before the date of application.

(b) All applications by an operator under eighteen (18) years of age, if applicable, must be accompanied by documentation signed and notarized by the parent or guardian of the applicant and the appropriate school official, authorizing the release of the applicant's attendance records to the Department of Public Safety as required under Section 63-1-10.

(c) The commissioner shall suspend the driver's license * * * or regular learner's permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section 63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section 63-1-52(4). A school superintendent or designee may request that the driver's license * * * or regular learner's permit that has been suspended under the provisions of this subsection be

reinstated after the student has successfully completed nine (9) weeks of school attendance without an unlawful absence.

(4) (a) Any original or renewal license issued under this chapter to a person who is not a United States citizen shall expire four (4) years from the date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the license, within thirty (30) days of expiration. The fee for any such license and for renewal shall be as prescribed in Section 63-1-43.

(b) Any applicant for an original or renewal license under this subsection (4) must present valid documentary evidence documenting that the applicant:

(i) Is a citizen or national of the United States;

(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) Has conditional permanent residence status in the United States;

(iv) Has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;

(vi) Has a pending application for asylum in the United States;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred-action status;

(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or

(x) Has a valid employment authorization card issued by the United States Department of Homeland Security.

(5) For any driver's license issued under this chapter, the Department of Public Safety shall send an email and text message notification of an upcoming driver's license expiration date to the known emails and phone numbers authorized by license holders for such notices not less than thirty (30) days before the expiration date of that license.

SECTION 10. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 551

Description: Driver's license; require Department of Public Safety to allow official identifying document of MDOC to suffice for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary B
2	01/28	(H) Title Suff Do Pass As Amended
3	02/09	(H) Amended
4	02/09	(H) Passed As Amended {Vote}
5	02/11	(H) Transmitted To Senate
6	02/18	(S) Referred To Judiciary, Division B
7	03/02	(S) Title Suff Do Pass As Amended
8	03/04	(S) Amended
9	03/04	(S) Passed As Amended {Vote}
10	03/08	(S) Motion to Reconsider Entered
11	03/11	(S) Motion to Reconsider Tabled
12	03/11	(S) Returned For Concurrence
13	03/16	(H) Concurred in Amend From Senate {Vote}
14	03/18	(H) Enrolled Bill Signed
15	03/18	(S) Enrolled Bill Signed
16	03/24	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 551

Code Section: A 047-0005-0157, A 047-0007-0033.1

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division B

Principal Author: Bain
Additional Authors: Williams-Barnes, Anthony

2021 GENERAL LAWS OF MISSISSIPPI HB 551

Title: AN ACT TO ENACT THE "EMPOWERING REENTRY THROUGH LICENSING ACT" WHICH PROVIDES FOR A SIX-MONTH PROVISIONAL DRIVER'S LICENSE ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY TO ELIGIBLE PERSONS WHO HAVE BEEN RELEASED FROM INCARCERATION; TO DEFINE TERMS; TO AUTHORIZE PROVISIONAL LICENSES; TO PROVIDE CERTAIN REQUIREMENTS AND CERTAIN DISQUALIFICATIONS FOR ELIGIBILITY; TO REQUIRE CERTAIN DUTIES OF THE DEPARTMENT OF PUBLIC SAFETY TO ADMINISTER THE ACT; TO DIRECT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO IDENTIFY ELIGIBLE PERSONS TO APPLY FOR A PROVISIONAL DRIVER'S LICENSE; TO AMEND SECTIONS 47-5-157 AND 47-7-33.1, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 551

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bain, Williams-Barnes, Anthony

To: Judiciary B

HOUSE BILL NO. 551
(As Sent to Governor)

AN ACT TO ENACT THE "EMPOWERING REENTRY THROUGH LICENSING ACT" WHICH PROVIDES FOR A SIX-MONTH PROVISIONAL DRIVER'S LICENSE ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY TO ELIGIBLE PERSONS WHO HAVE BEEN RELEASED FROM INCARCERATION; TO DEFINE TERMS; TO AUTHORIZE PROVISIONAL LICENSES; TO PROVIDE CERTAIN REQUIREMENTS AND CERTAIN DISQUALIFICATIONS FOR ELIGIBILITY; TO REQUIRE CERTAIN DUTIES OF THE DEPARTMENT OF PUBLIC SAFETY TO ADMINISTER THE ACT; TO DIRECT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO IDENTIFY ELIGIBLE PERSONS TO APPLY FOR A PROVISIONAL DRIVER'S LICENSE; TO AMEND SECTIONS 47-5-157 AND 47-7-33.1, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Empowering Reentry Through Licensing Act."

SECTION 2. As used in Sections 1 through 6 of this act:

(a) "Department" means the Department of Public Safety.

(b) "Discharge plan" shall have the meaning provided in Section 47-7-33.1.

(c) "Driver's license" means a Class R license as authorized in Section 63-1-9.

(d) "Eligible person" means a person who has served a term of at least one (1) year and whose driver's license will be

or has been suspended, revoked or cancelled for any reason upon the person's release. An "eligible person" must be:

(i) Within one hundred eighty (180) days of release from incarceration; or

(ii) On probation or parole, having been released from incarceration within the previous six (6) months.

An "eligible person" must not be within the category of persons described by Section 4 of this act.

(e) "Provisional license" means a license as authorized in Section 3 of this act.

(f) "Provisional licensee" means the holder of a provisional driver's license.

(g) "Release from incarceration" shall mean release from a Mississippi Department of Corrections facility or an MDOC-approved residential program.

SECTION 3. (1) A provisional license shall be valid for six (6) months from the date of a person's release from incarceration.

(2) A provisional license shall permit the provisional licensee to drive a motor vehicle directly to and directly home from his or her residence and:

(a) A place where he or she is employed or will potentially be employed;

(b) A place where the licensee attends school;

(c) A place where the licensee's minor child attends school or day care, provided that there are no separate laws prohibiting such travel;

(d) A scheduled meeting with the licensee's probation or parole officer or other supervisor;

(e) Any place, location or meeting that the licensee's probation or parole officer has authorized the person to travel to or attend; or

(f) A place of religious instruction or worship.

(3) This act shall not apply to any type of commercial operator's license.

SECTION 4. A person is ineligible for a provisional license under this act if:

(a) The person was convicted of vehicular homicide, or a third or subsequent violation of any other law that prohibits operating a vehicle while intoxicated or under the influence of alcohol or drugs; or

(b) A person's driver's license has been suspended, revoked or cancelled pursuant to a report of conviction received pursuant to Article III of the Driver License Compact.

SECTION 5. (1) The department shall:

(a) Issue a provisional license to an eligible person upon receipt of an application;

(b) Defer payment of all fees, penalties and charges relating to the issuance of a provisional license under this

section that are incurred prior to or during the term of incarceration and owed by the applicant to the department;

(c) Inform the provisional licensee that the licensee has six (6) months from the date of release from incarceration to clear his or her driving record of any suspensions, revocations or cancellations in order to be eligible for a driver's license issued under Section 63-1-9;

(d) Shall issue a driver's license upon the collection of the standard fees and handling charges at the end of the term of the provisional license if the provisional licensee qualifies for full and unrestricted driving privileges and has paid any fees owed under paragraph (c) of this subsection;

(e) Develop procedures to:

(i) Issue a driver's license after the collection of the standard fees and handling charges to any person who, upon release from incarceration, qualifies for full and unrestricted driving privileges without the need of a provisional license; and

(ii) Renew the driver's license of an inmate after the collection of the standard fees and handling charges; and

(f) Promulgate the rules and regulations necessary to administer Sections 1 through 6 of this act.

(2) The department shall not assess an eligible person a fee for a provisional license.

(3) (a) The department may revoke the provisional license if the licensee commits an act or omission that causes the

community supervision or parole of the holder of the provisional license to be revoked. The provisional licensee's probation or parole officer shall notify the department if the supervision or parole status has been revoked. The court shall notify the department if the provisional licensee is charged with a new felony or any moving traffic violation.

(b) If the department revokes a provisional license issued pursuant to this section, the holder shall not be entitled to receive another provisional license.

(4) The department shall, in conjunction with the Department of Corrections, provide to each person admitted to the Department of Corrections the person's current driver's license status, a detailed driver's history and any outstanding warrant information available on the National Criminal Information Center Database.

SECTION 6. The Mississippi Department of Corrections shall:

(a) Identify eligible persons to apply for a provisional license under this section.

(b) Provide any inmate opportunity to renew the inmates driver's license under Section 5(1)(e) of this act.

(c) Promulgate any necessary rules or regulations to administer Sections 1 through 6 of this act.

SECTION 7. Section 47-5-157, Mississippi Code of 1972, is amended as follows:

47-5-157. (1) When an offender is entitled to a discharge from the custody of the department, or is released therefrom on

parole, pardon, or otherwise, the commissioner or his designee shall prepare and deliver to him a written discharge or release, as the case may be, dated and signed by him with seal annexed, giving the offender's name, the name of the offense or offenses for which he was convicted, the term of sentence imposed and the date thereof, the county in which he was sentenced, the amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such description of the offender as may be practicable and the discharge plan developed as required by law. At least fifteen (15) days prior to the release of an offender as described herein, the director of records of the department shall give the written notice which is required pursuant to Section 47-5-177.

(2) The offender shall be furnished * * *:

(a) A Mississippi driver's license, if eligible;

(b) A provisional license under Section 3 of this act; or

(c) A state identification card that is not a department-issued identification card * * *.

The offender shall also be furnished all money held to his credit by any official of the correctional system * * * and, if needed, suitable civilian clothes.

(3) The amount of money which an offender is entitled to receive from the State of Mississippi when he is discharged from the state correctional system shall be determined as follows:

(a) If he has continuously served his sentence in one (1) year or less flat time, he shall be given Fifteen Dollars ($15.00).

(b) If he has served his sentence in more than one (1) year flat time and in less than ten (10) years flat time, he shall be given Twenty-five Dollars ($25.00).

(c) If he has continuously served his sentence in ten (10) or more years flat time, he shall be given Seventy-five Dollars ($75.00).

(d) If he has continuously served his sentence in twenty (20) or more years flat time, he shall be given One Hundred Dollars ($100.00).

(e) There shall be given in addition to the above specified monies in * * * paragraphs (a), (b), (c) and (d) of this subsection, a bus ticket to the county of conviction or to a state line of Mississippi.

SECTION 8. Section 47-7-33.1, Mississippi Code of 1972, is amended as follows:

47-7-33.1. (1) The department shall create a discharge plan for any offender returning to the community, regardless of whether the person will discharge from the custody of the department, or is released on parole, pardon, or otherwise. At least ninety (90) days prior to an offender's earliest release date, the commissioner shall conduct a pre-release assessment and complete a written discharge plan based on the assessment results. The

discharge plan for parole eligible offenders shall be sent to the parole board at least thirty (30) days prior to the offender's parole eligibility date for approval. The board may suggest changes to the plan that it deems necessary to ensure a successful transition.

(2) The pre-release assessment shall identify whether an inmate requires assistance obtaining the following basic needs upon release: transportation, clothing and food, financial resources, identification documents, housing, employment, education, health care and support systems. The discharge plan shall include information necessary to address these needs and the steps being taken by the department to assist in this process, including an up-to-date version of the information described in Section 5(4) of this act. Based on the findings of the assessment, the commissioner shall:

(a) Arrange transportation for inmates from the correctional facility to their release destination;

(b) Ensure inmates have clean, seasonally appropriate clothing, and provide inmates with a list of food providers and other basic resources immediately accessible upon release;

(c) Ensure inmates have a provisional driver's license issued pursuant to this act, a regular driver's license if eligible, or a state-issued identification card that is not a Department of Corrections identification card;

(d) Assist inmates in identifying safe, affordable housing upon release. If accommodations are not available, determine whether temporary housing is available for at least ten (10) days after release. If temporary housing is not available, the discharge plan shall reflect that satisfactory housing has not been established and the person may be a candidate for transitional reentry center placement;

(e) Refer inmates without secured employment to employment opportunities;

(f) Provide inmates with contact information of a health care facility/provider in the community in which they plan to reside;

(g) Notify family members of the release date and release plan, if the inmate agrees; and

(h) Refer inmates to a community or a faith-based organization that can offer support within the first twenty-four (24) hours of release * * *.

(3) A written discharge plan shall be provided to the offender and supervising probation officer or parole officer, if applicable.

(4) A discharge plan created for a parole-eligible offender shall also include supervision conditions and the intensity of supervision based on the assessed risk to recidivate and whether there is a need for transitional housing. The board shall approve

discharge plans before an offender is released on parole pursuant to this chapter.

SECTION 9. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 576

Description: Local System Bridge Replacement & Rehabilitation Fund; revise allocation formula.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Transportation; Appropriations
2	01/26	(H) DR - TSDP: TR To AP
3	01/28	(H) DR - TSDP: AP To TR
4	01/28	(H) Title Suff Do Pass
5	02/10	(H) Passed {Vote}
6	02/11	(H) Transmitted To Senate
7	02/26	(S) Referred To Highways and Transportation; Appropriations
8	03/01	(S) DR - TSDP: HI To AP
9	03/02	(S) Title Suff Do Pass
10	03/10	(S) Passed {Vote}
11	03/11	(S) Returned For Enrolling
12	03/12	(H) Enrolled Bill Signed
13	03/12	(S) Enrolled Bill Signed
14	03/18	Approved by Governor

Code Section: A 065-0037-0001, A 065-0037-0003, A 065-0037-0007, A 065-0037-0011, A 065-0037-0015

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation, Appropriations

Principal Author: Busby
Additional Authors: Byrd

Title: AN ACT TO AMEND SECTION 65-37-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT BRIDGES MUST BE DEFICIENT AS DETERMINED BY THE NATIONAL BRIDGE INSPECTION STANDARDS TO BE ELIGIBLE UNDER THE

LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION PROGRAM; TO AMEND SECTION 65-37-3, MISSISSIPPI CODE OF 1972, TO REVISE AND CREATE CERTAIN DEFINITIONS RELATED TO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION PROGRAM; TO REVISE THE ALLOCATION FORMULA FOR THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND; TO AMEND SECTIONS 65-37-7, 65-37-11 AND 65-37-15, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Busby, Byrd

To: Transportation; Appropriations

HOUSE BILL NO. 576

AN ACT TO AMEND SECTION 65-37-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT BRIDGES MUST BE DEFICIENT AS DETERMINED BY THE NATIONAL BRIDGE INSPECTION STANDARDS TO BE ELIGIBLE UNDER THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION PROGRAM; TO AMEND SECTION 65-37-3, MISSISSIPPI CODE OF 1972, TO REVISE AND CREATE CERTAIN DEFINITIONS RELATED TO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION PROGRAM; TO REVISE THE ALLOCATION FORMULA FOR THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND; TO AMEND SECTIONS 65-37-7, 65-37-11 AND 65-37-15, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 65-37-1, Mississippi Code of 1972, is amended as follows:

65-37-1. (1) There is established a local system bridge replacement and rehabilitation program to be administered by the State Aid Engineer for the purpose of assisting counties and municipalities in the replacement and rehabilitation of certain bridges located on local road systems in the counties and in incorporated municipalities within the counties. In order to be eligible under this program, a bridge must be * * * a deficient bridge as defined by Section 65-37-3(1)(a).

(2) In the replacement or rehabilitation of bridges pursuant to this chapter, consideration may be given to utilizing timber products on some projects, provided that such projects using timber products will be comparable in cost to, and can be constructed to meet current standards for, similar projects using concrete and steel.

(3) The provisions of this chapter shall not be construed to permit routes on which projects are performed under this chapter to be eligible for inclusion on the state aid road system except in accordance with the provisions of * * * Section 65-9-1 et seq.

SECTION 2. Section 65-37-3, Mississippi Code of 1972, is amended as follows:

65-37-3. (1) For the purposes of this section, the following terms shall have the meanings ascribed to them in this subsection:

(a) "Deficient bridge" means a bridge * * * with a condition rating of fair or less for its deck, superstructure or substructure, as determined by National Bridge Inspection Standards and that is included on the latest annual bridge inventory prepared by the Office of State Aid Road Construction.

(b) "Local system road miles" means all highways, roads and streets within a county, including highways, roads and streets within incorporated municipalities of the county, that are not included on the designated state highway system.

(c) "Local system bridge" means a bridge that is included on the latest annual official bridge inventory prepared by the Office of State Aid Road Construction, excluding bridges on the state aid road system, the municipal urban system and the rural major collector system.

(d) "Bridge" means a bridge that is included on the latest annual official bridge inventory prepared by the Office of State Aid Road Construction.

(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), from the funds on deposit and credited to the Local System Bridge Replacement and Rehabilitation Fund created in Section 65-37-13, each county shall be allocated a percentage of such funds as they become available, which percentage shall be based:

(* * *i) One-half (1/2) on the proportion that the total number of deficient bridges in the county bears to the total number of deficient bridges in all counties of the state; and

(* * *ii) One-half (1/2) on the proportion that the total number of local system road miles in the county bears to the total number of local system road miles in all counties of the state.

(b) From the funds on deposit and credited to the Local System Bridge Replacement and Rehabilitation Fund created in Section 65-37-13, which are deposited into this fund after the

effective date of this act, each county shall be allocated a percentage of such funds as they become available, which percentage shall be based:

(i) One-half (1/2) on the proportion that the total number of local system bridges in the county bears to the total number of local system bridges in all counties of the state; and

(ii) One-half (1/2) on the proportion that the total square footage of deck area of all local system bridges in the county bears to the total square footage of deck area of all local system bridges in all counties of the state.

SECTION 3. Section 65-37-7, Mississippi Code of 1972, is amended as follows:

65-37-7. (1) In order for a county to be eligible for the expenditure of funds under the provisions of * * * this chapter, the board of supervisors of the county shall meet the following conditions:

(a) On or before January 1, 1995, and on or before January 1 of each year thereafter, the board of supervisors shall present to the State Aid Engineer on a form to be prepared by the State Aid Engineer, a four-year plan of bridge replacement and rehabilitation for the county. The plan shall identify the project or projects and shall contain a detailed plan prepared and approved by the engineer for the county. The plan shall specify the condition of the existing bridges included in the project, the

drainage requirements, the type of replacement or rehabilitation to be made and the design and specifications therefor. Four-year plans may be modified each year or more often as necessary provided that the modifications are submitted to the State Aid Engineer.

(b) The county shall agree to employ a qualified engineer and such other technical experts as may be necessary to perform all engineering services required for the projects. The engineer shall be required to inspect the construction of the projects and to approve all estimate payments made on the projects.

(c) The county and municipalities shall agree to construct, at their own expense, the base and surface of all approaches providing necessary connections to each bridge project within their respective jurisdictions, including the base and surface for culvert projects whenever fill material is placed as part of the contract.

(d) The county and municipalities shall agree to acquire all rights-of-way and relocate or make adjustments to public utilities for each bridge project within their respective jurisdictions as may be necessary in the manner provided by law for the acquisition of rights-of-way and the uniform policy for accommodation of utility facilities within the rights-of-way of state aid roads as adopted by the State Aid Engineer under authority of Section 65-9-1 et seq. Rights-of-way may be acquired

by gift, purchase, deed, dedication or eminent domain. The only costs that may be paid from funds provided under * * * this chapter for right-of-way acquisition shall be the actual cost paid by the county to the landowner for the land acquired as certified to the State Aid Engineer by the attorney for the board of supervisors. The only cost that may be paid from funds provided under * * * this chapter for utility adjustments shall be the actual cost paid by the county for utility adjustments pursuant to contract let by the county as certified to the State Aid Engineer by order of the board of supervisors.

(2) A county shall not be eligible for the expenditure of monies allocated to it under * * * this chapter and the State Aid Engineer shall not certify the use or expenditure of such monies on any bridge that * * * is not a deficient bridge as defined by Section 65-37-3(1)(a), unless the State Aid Engineer certifies that all bridges on the local road system within the county for which funds may be made available under * * * this chapter * * * that are deficient are currently under contract for replacement or rehabilitation. When the State Aid Engineer certifies that all * * * deficient bridges within the county * * * are currently under contract for replacement or rehabilitation, then that county shall:

(a) Be eligible for the expenditure of funds allocated to it * * * according to the formula established in Section 65-37-3(2)(a) for:

(* * *i) The maintenance and replacement of other drainage-related structures in accordance with designs and standards prescribed for such projects by the Office of State Aid Road Construction;

(* * *ii) The Local System Road Program established pursuant to Sections 65-18-1 through 65-18-17; and

(* * *iii) The matching of federal funds for expenditure on state aid roads and bridge replacement in accordance with Section 65-9-29 * * *; and

(b) Be eligible for the expenditure of funds allocated to it according to the formula established in Section 65-37-3(2)(b) solely for the preservation, maintenance and rehabilitation of local system bridges of the county which are deficient bridges as defined in Section 65-37-3(1)(a).

(3) (a) Except as otherwise provided in paragraph (d) of this subsection (3), when a county has failed to expend the monies allocated to it under the Local System Bridge Replacement and Rehabilitation Program, as described in * * * this chapter, for an uninterrupted period of two (2) successive fiscal years, the county shall forfeit and no longer be entitled to the outstanding cumulative balance on hand of the monies that were allocated to it under the program before that period of time.

(b) The county is eligible to receive funds allocated to it in fiscal years occurring after that period of time that caused a forfeiture under the provisions of paragraph (a) of this

subsection (3), unless it so forfeits monies again under that provision.

(c) Monies forfeited each fiscal year under the provisions of this subsection (3) shall be reallocated annually among only those counties that are determined by the State Aid Engineer to have Local System Bridge Replacement and Rehabilitation Program projects that are ready for construction but are not being undertaken due to lack of funds.

(d) Before a forfeiture of funds may occur under the provisions of paragraph (a) of this subsection (3), the State Aid Engineer shall give written notice to the board of supervisors of the county at least ninety (90) days before the forfeiture, and for good cause shown, he may allow the county an additional twelve (12) months to expend the funds subject to the forfeiture.

SECTION 4. Section 65-37-11, Mississippi Code of 1972, is amended as follows:

65-37-11. (1) The board of supervisors of each county and the governing authorities of each municipality shall be responsible for properly maintaining all bridges replaced or repaired in their respective jurisdictions and for performing National Bridge Inspection Standard (NBIS) compliant inspections under the provisions of this chapter.

(2) The State Aid Engineer and his assistants shall make annual maintenance inspections of completed bridge projects and * * * ensure that NBIS compliant inspections are performed as

the State Aid Engineer deems necessary. If at any time the State Aid Engineer is of the opinion that a county or municipality has not provided NBIS compliant bridge inspections or proper maintenance as required by subsection (1) of this section, he shall give written notice thereof to the board of supervisors of the county or the governing authorities of the municipality of default and direct such maintenance as may be necessary to be performed. If within sixty (60) days of the receipt of such notice the board of supervisors or governing authorities have not performed such maintenance as may be necessary, then the county or municipality shall not thereafter be eligible to participate in the Local System Bridge Replacement and Rehabilitation Program.

(3) Whenever any county fails to be eligible for the expenditure of monies allocated to it under the provisions of this chapter for a continuous period of two (2) years because it has failed to properly maintain bridges under the Local System Bridge Replacement and Rehabilitation Program, then the county shall forfeit and no longer be entitled to any part of the monies in the Local System Bridge Replacement and Rehabilitation Fund theretofore allocated to it. The balance of the monies theretofore allocated to it shall be reallocated pro rata among all other eligible counties in accordance with the formula established in Section 65-37-3.

SECTION 5. Section 65-37-15, Mississippi Code of 1972, is amended as follows:

65-37-15. Notwithstanding any other provisions of this chapter, when all deficient bridges, as defined by Section 65-37-3(1)(a), of a county * * * have been replaced or are under contract for replacement or rehabilitation, then monies in the Local System Bridge Replacement and Rehabilitation Fund created under Section 65-37-13, that are allocated to a particular county may be expended for (a) the purpose of paying the principal, interest and debt service on any bonds, notes or obligations issued or incurred by that county before the effective date of this chapter for the purpose of replacing or rehabilitating any bridge or drainage-related structure on any highway, road or street under the jurisdiction of that county, (b) on bridges in the State Aid Road System, or (c) if bridges in the State Aid Road System of that county are in sufficient repair, such monies may be utilized for the repair of roads on the State Aid Road System or local system roads, upon presentation to the State Aid Engineer of a resolution duly adopted and entered on the minutes of the board of supervisors of such county requesting such expenditure and reciting in the resolution such information as may be necessary for the State Aid Engineer to determine that the county is eligible for expenditure of funds under the provisions of this section.

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 628

Description: Highway privilege tax; add a gross vehicle weight category for carriers of property with additional tax.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Transportation; Ways and Means
2	02/22	(H) DR - TSDPCS: TR To WM
3	02/24	(H) DR - TSDPCS: WM To TR
4	02/24	(H) Title Suff Do Pass Comm Sub
5	02/24	(H) Committee Substitute Adopted
6	02/24	(H) Passed {Vote}
7	02/25	(H) Transmitted To Senate
8	02/26	(S) Referred To Highways and Transportation; Finance
9	03/11	(S) DR - TSDP: HI To FI
10	03/11	(S) Title Suff Do Pass
11	03/16	(S) Passed {Vote}
12	03/17	(S) Returned For Enrolling
13	03/18	(H) Enrolled Bill Signed
14	03/18	(S) Enrolled Bill Signed
15	03/24	Approved by Governor

Code Section: A 027-0019-0011

----- Additional Information -----

House Committee: Transportation, Ways and Means
Senate Committee: Highways and Transportation, Finance

Principal Author: Evans (45th)

Title: AN ACT TO AMEND SECTION 27-19-11, MISSISSIPPI CODE OF 1972, TO ADD GROSS WEIGHT CATEGORY FROM 80,001 POUNDS TO 84,000 POUNDS FOR CARRIERS OF PROPERTY AND SPECIFY PRIVILEGE TAX RATES FOR THE NEW WEIGHT CATEGORY WHICH SHALL BE LIMITED TO TRANSPORT

OF PRODUCTS AS PROVIDED FOR HARVEST PERMITS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 628

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representative Evans (45th)

To: Transportation; Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 628

AN ACT TO AMEND SECTION 27-19-11, MISSISSIPPI CODE OF 1972, TO ADD GROSS WEIGHT CATEGORY FROM 80,001 POUNDS TO 84,000 POUNDS FOR CARRIERS OF PROPERTY AND SPECIFY PRIVILEGE TAX RATES FOR THE NEW WEIGHT CATEGORY WHICH SHALL BE LIMITED TO TRANSPORT OF PRODUCTS AS PROVIDED FOR HARVEST PERMITS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-19-11, Mississippi Code of 1972, is amended as follows:

27-19-11. On each carrier of property, for each commercial motor vehicle, truck-tractor or road tractor, and on each bus, there is hereby levied an annual highway privilege tax in accordance with the following schedule, except that the gross vehicle weight of buses shall be the gross weight of the vehicle plus one hundred fifty (150) pounds per each regular seat.

	RATE OF TAX		
GROSS WEIGHT OF VEHICLE NOT TO EXCEED IN POUNDS	COMMON AND CONTRACT CARRIERS OF PROPERTY	PRIVATE COMMERCIAL AND NONCOMMERCIAL	PRIVATE CARRIERS OF PROPERTY

			CARRIERS OF	
			PROPERTY	
0000 - 6000	$ 7.20	$ 7.20	$ 7.20
6001 - 10000	33.60	25.20	16.80
10001 - 16000	78.40	70.70	39.20
16001 - 20000	156.00	129.00	78.00
20001 - 26000	228.00	192.00	114.00
26001 - 30000	300.00	247.00	150.00
30001 - 36000	384.00	318.00	192.00
36001 - 40000	456.00	378.00	228.00
40001 - 42000	504.00	420.00	264.00
42001 - 44000	528.00	444.00	276.00
44001 - 46000	552.00	456.00	282.00
46001 - 48000	588.00	492.00	300.00
48001 - 50000	612.00	507.00	312.00
50001 - 52000	660.00	540.00	336.00
52001 - 54000	684.00	564.00	348.00
54001 - 56000	708.00	588.00	360.00
56001 - 58000	756.00	624.00	384.00
58001 - 60000	780.00	642.00	396.00
60001 - 62000	828.00	828.00	420.00
62001 - 64000	852.00	852.00	432.00
64001 - 66000	900.00	900.00	482.00
66001 - 68000	936.00	936.00	504.00
68001 - 70000	972.00	972.00	516.00

70001 - 72000	996.00	996.00	528.00
72001 - 74000	1,128.00	1,128.00	576.00
74001 - 76000	1,248.00	1,248.00	612.00
76001 - 78000	1,380.00	1,380.00	720.00
78001 - 80000	1,512.00	1,512.00	864.00
80001 - 84000	1,776.00	1,776.00	1,152.00

The purchase of the license tag exceeding 80,000 gross vehicle weight is limited to the transport of products as provided for harvest permits as defined in Section 27-19-81(4). Such license tag shall be a "HP" license tag with weight allowance printed on the cab card only.

In addition to the above levied annual highway privilege tax on vehicles with a gross weight exceeding ten thousand (10,000) pounds, there is levied and shall be collected an additional privilege tax in the amount of * * * One Thousand Eight Hundred Seventy-five Dollars ($1,875.00) for each current or later year model vehicle based upon a licensed weight of * * * eighty-four thousand (84,000) pounds. This additional privilege tax shall be reduced by the amount of One Hundred Seventy-five Dollars ($175.00) for each year of age to a minimum of Fifty Dollars ($50.00) and further reduced by the ratio of licensed weight to the maximum weight of * * * eighty-four thousand (84,000) pounds. During the first year only, the privilege tax monies collected under the provisions of this paragraph shall be distributed to the various counties of the state on the basis of the ratio of the

last year of annual ad valorem taxes collected by such counties on such vehicles to the total ad valorem taxes collected by all counties on such vehicles in the same year. In all subsequent years, the distribution to the counties shall be made on the basis of the ratio of the number of motor vehicles registered in excess of ten thousand (10,000) pounds, in each taxing district in each county, to the total number of such vehicles registered statewide. The counties shall then distribute these proceeds as they would if these collections were ad valorem taxes.

From the privilege tax monies collected under this section, Three Million Seven Hundred Thirty-two Thousand Four Hundred Three Dollars and Eleven Cents ($3,732,403.11) shall be earmarked and set aside to be apportioned and paid to the counties of the state in the manner provided by Section 27-19-159, Mississippi Code of 1972. Any excess privilege tax monies collected under this section shall be deposited into the State Highway Fund for the construction, maintenance and reconstruction of highways and roads of the State of Mississippi or the payment of interest and principal on bonds authorized by the 1972 Regular Session of the Legislature for construction and reconstruction of highways.

No privilege license shall be issued for any period of time for less than One Dollar ($1.00). Any person making application for the license tag under this section is required to sign an affidavit attesting to facts indicating the applicability of this

section. Proof of purchase of valid harvest permit for the vehicle must be presented at time of purchase of the license tag.

The annual highway privilege tax imposed on operators engaged exclusively in the transportation of household goods shall be the same as the tax imposed upon private commercial carriers by this section. In determining the amount of privilege taxes due under the provisions of this section, there shall be allowed a maximum tolerance of five hundred (500) pounds on all classes of carriers except carriers of liquefied compressed gases and in the case of carriers of liquefied compressed gases there shall be allowed a maximum tolerance of two thousand (2,000) pounds.

Any owner or operator who operates a motor vehicle on the public highways, with a license tag attached to it which was issued for another or different vehicle, shall be liable for the privilege tax on said vehicle for twelve (12) months plus a penalty thereon of twenty-five percent (25%).

Carriers of property duly registered and licensed in another state and being used to transport farm harvesting machinery or equipment to and from a particular county in this state may, upon adoption of a resolution by the board of supervisors of the county where such machinery or equipment is being exclusively used in harvesting farm crops within the county, be exempt from the taxes herein levied when the resolution is filed with the * * * Department of Revenue. However, the exemption shall not exceed a period of forty (40) days for any annual period without a second

resolution of approval by the board of supervisors who shall have the authority to extend the exemption not to exceed an additional period of twenty (20) days during any annual period.

A private commercial carrier of property hauling interstate may purchase a common and contract carrier of property license plate at the prescribed fee to allow the carrier to lease on a one-way basis per trip without qualifying with the Public Service Commission.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 633

Description: Computer science curriculum; require State Department of Education to implement in K-12 public schools.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Education
2	01/28	(H) Title Suff Do Pass Comm Sub
3	02/10	(H) Committee Substitute Adopted
4	02/10	(H) Passed {Vote}
5	02/12	(H) Transmitted To Senate
6	02/16	(S) Referred To Education
7	03/02	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/15	(H) Concurred in Amend From Senate {Vote}
12	03/16	(H) Enrolled Bill Signed
13	03/17	(S) Enrolled Bill Signed
14	03/24	Approved by Governor

Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 633

Code Section: A 037-0013-0171

----- Additional Information -----

House Committee: Education
Senate Committee: Education

Principal Author: Felsher
Additional Authors: Bennett, Creekmore IV, Deweese, McCarty, Owen, Summers

Title: AN ACT TO CREATE THE MISSISSIPPI COMPUTER SCIENCE AND CYBER EDUCATION EQUALITY ACT; TO AUTHORIZE AND DIRECT THE

STATE DEPARTMENT OF EDUCATION TO IMPLEMENT A MANDATORY K-12 COMPUTER SCIENCE CURRICULUM BASED ON THE MISSISSIPPI COLLEGE AND CAREER-READINESS STANDARDS FOR COMPUTER SCIENCE, WHICH INCLUDES INSTRUCTION IN, BUT NOT LIMITED TO, COMPUTATIONAL THINKING, CYBER-RELATED, PROGRAMMING, CYBER SECURITY, DATA SCIENCE, ROBOTICS AND OTHER COMPUTER SCIENCE AND CYBER-RELATED CONTENT; TO PRESCRIBE MINIMUM COMPONENTS OF THE CURRICULUM AT EACH GRADE LEVEL; AND TO PROVIDE FOR TEACHER TRAINING AS NEEDED AT ALL GRADE LEVELS; TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE STATUTE REQUIRING EVERY SCHOOL DISTRICT TO ADOPT A POLICY TO IMPLEMENT ABSTINENCE-ONLY OR ABSTINENCE-PLUS EDUCATION INTO ITS CURRICULUM; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 633

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Felsher, Bennett, Creekmore IV, Deweese, McCarty, Owen, Summers

To: Education

HOUSE BILL NO. 633
(As Sent to Governor)

AN ACT TO CREATE THE MISSISSIPPI COMPUTER SCIENCE AND CYBER EDUCATION EQUALITY ACT; TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION TO IMPLEMENT A MANDATORY K-12 COMPUTER SCIENCE CURRICULUM BASED ON THE MISSISSIPPI COLLEGE AND CAREER-READINESS STANDARDS FOR COMPUTER SCIENCE, WHICH INCLUDES INSTRUCTION IN, BUT NOT LIMITED TO, COMPUTATIONAL THINKING, CYBER-RELATED, PROGRAMMING, CYBER SECURITY, DATA SCIENCE, ROBOTICS AND OTHER COMPUTER SCIENCE AND CYBER-RELATED CONTENT; TO PRESCRIBE MINIMUM COMPONENTS OF THE CURRICULUM AT EACH GRADE LEVEL; AND TO PROVIDE FOR TEACHER TRAINING AS NEEDED AT ALL GRADE LEVELS; TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE STATUTE REQUIRING EVERY SCHOOL DISTRICT TO ADOPT A POLICY TO IMPLEMENT ABSTINENCE-ONLY OR ABSTINENCE-PLUS EDUCATION INTO ITS CURRICULUM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Mississippi Computer Science and Cyber Education Equality Act."

SECTION 2. The Mississippi Legislature finds that:

(a) Education in computer science is a critical need for the students of Mississippi for the twenty-first century;

(b) More than half of high schools in Mississippi do not teach a computer science course; and

(c) The logical thinking skills taught by computer science are very valuable in many noncomputer science jobs, as technology has become embedded in most professions.

SECTION 3. As used in this act, the following terms shall have the meaning ascribed in this section:

(a) "Computer science" means the study of computers, algorithmic processes, coding, and logical thinking, including computer principles, their hardware and software designs, their implementation and their impact on society.

(b) "Computer science courses" means high school and middle school courses that teach computer science as stand-alone implementations; and elementary curriculum that provides instruction in computer science as stand-alone implementations or embedded in other subjects and focuses on how to create and understand technology, rather than simply using technology.

(c) "Offer" means providing instruction at the elementary level with licensed teachers, and at the high school and middle school level as a course taught by a computer science teacher:

(i) Who is onsite at the physical location of the school; or

(ii) Who is not onsite at the physical location of the school but conducts the course through virtual means with a proctor onsite at the physical location of the school.

SECTION 4. (1) The State Department of Education is authorized and directed to implement K-12 computer science curriculum based on the 2018 Mississippi College and Career-Readiness Standards for computer science, which includes instruction in, but not limited to:

(a) Computational thinking;

(b) Problem solving;

(c) Programming;

(d) Cyber security;

(e) Data science;

(f) Robotics;

(g) Artificial intelligence and machine learning; and

(h) Other computer science and cyber-related content.

(2) The State Department of Education shall work with the Center for Cyber Education at Mississippi State University to identify and develop K-12 computer science curriculum and delivery options.

(3) Beginning in the 2022-2023 school year:

(a) Each local school district shall provide that all middle schools in its school system offer instruction in foundations of computer science;

(b) Each local school district shall provide that fifty percent (50%) of elementary schools in its school system offer a minimum of one (1) hour of instruction in computer science each week;

(c) Each charter school that serves middle or high school students shall offer a course in computer science; and

(d) Each charter school that serves elementary school students shall offer instruction in computer science.

(4) Beginning in the 2023-2024 school year:

(a) Each local school district shall provide that at least fifty percent (50%) of the high schools in its school system offer a course in computer science;

(b) Each local school district shall provide that all elementary schools in its school system offer a minimum of one (1) hour of instruction in exploratory computer science each week.

(5) Beginning in the 2024-2025 school year, each local school district shall provide that all schools in its school system offer instruction in computer science.

SECTION 5. The State Department of Education shall review district-submitted courses to enable schools to utilize high quality online computer science courses to meet the needs of such schools as a result of this act.

SECTION 6. (1) Subject to appropriations made by the Legislature, the State Department of Education shall provide annual training for teachers, counselors and administrators in order to phase in the K-12 computer science curriculum. Preference should be given to districts who have the fewest number of teachers trained in computer science. The State Department of Education shall work with the Center for Cyber Education at

Mississippi State University to develop and coordinate teacher training. The State Department of Education may contract with private and nonprofit providers for teacher training and for student instruction, and is encouraged to utilize available cost-free computer training, instruction and resources. Teachers may receive computer science instruction training through an online platform.

(2) The State Department of Education shall provide a report by January 1, 2022, to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairman of the Senate Education Committee and the Chairman of the House Education Committee. The report shall include a strategic plan for statewide computer science education initiatives including, but not limited to, the following:

(i) A summary of the current state landscape for K-12 computer science education;

(ii) A plan for expanding computer science education opportunities to every school in the state by the 2024-2025 school year;

(iii) A plan for the development of preservice and in-service teachers seeking a computer science endorsement or course specific license, in order to meet the timeline for course requirements;

(iv) The development of a vetted list of approved vendors in computer science education that are recognized as high

quality computer science courses or instruction, which should weigh preference on cost and ease of implementation; and

(v) The identification of approved computer science courses that may fulfill at least four (4) units of academic credit for high school graduation. The State Department of Education shall work with the Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board to approve these courses once identified.

(2) The State Department of Education shall submit a report by December 31 of each year through 2025 to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairman of the Senate Education Committee and the Chairman of the House Education Committee. The report shall include a list of schools in each district teaching computer science and the number of computer science teachers trained in each district.

SECTION 7. The Board of Trustees of State Institutions of Higher Learning shall work with its member institutions to identify preservice teacher preparation programs to allow for certification in the computer science field.

SECTION 8. Section 37-13-171, Mississippi Code of 1972, is amended as follows:

37-13-171. (1) The local school board of every public school district shall adopt a policy to implement abstinence-only or abstinence-plus education into its curriculum by June 30, 2012, which instruction in those subjects shall be implemented not later

than the start of the 2012-2013 school year or the local school board shall adopt the program which has been developed by the Mississippi Department of Human Services and the Mississippi Department of Health. The State Department of Education shall approve each district's curriculum for sex-related education and shall establish a protocol to be used by districts to provide continuity in teaching the approved curriculum in a manner that is age, grade and developmentally appropriate.

(2) Abstinence-only education shall remain the state standard for any sex-related education taught in the public schools. For purposes of this section, abstinence-only education includes any type of instruction or program which, at an appropriate age and grade:

(a) Teaches the social, psychological and health gains to be realized by abstaining from sexual activity, and the likely negative psychological and physical effects of not abstaining;

(b) Teaches the harmful consequences to the child, the child's parents and society that bearing children out of wedlock is likely to produce, including the health, educational, financial and other difficulties the child and his or her parents are likely to face, as well as the inappropriateness of the social and economic burden placed on others;

(c) Teaches that unwanted sexual advances are irresponsible and teaches how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances;

(d) Teaches that abstinence from sexual activity before marriage, and fidelity within marriage, is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases and related health problems. The instruction or program may include a discussion on condoms or contraceptives, but only if that discussion includes a factual presentation of the risks and failure rates of those contraceptives. In no case shall the instruction or program include any demonstration of how condoms or other contraceptives are applied;

(e) Teaches the current state law related to sexual conduct, including forcible rape, statutory rape, paternity establishment, child support and homosexual activity; and

(f) Teaches that a mutually faithful, monogamous relationship in the context of marriage is the only appropriate setting for sexual intercourse.

(3) A program or instruction on sex-related education need not include every component listed in subsection (2) of this section for abstinence-only education. However, no program or instruction under an abstinence-only curriculum may include anything that contradicts the excluded components. For purposes of this section, abstinence-plus education includes every component listed under subsection (2) of this section that is age and grade appropriate, in addition to any other programmatic or instructional component approved by the department, which shall not include instruction and demonstrations on the application and

use of condoms. Abstinence-plus education may discuss other contraceptives, the nature, causes and effects of sexually transmitted diseases, or the prevention of sexually transmitted diseases, including HIV/AIDS, along with a factual presentation of the risks and failure rates.

(4) Any course containing sex-related education offered in the public schools shall include instruction in either abstinence-only or abstinence-plus education.

(5) Local school districts, in their discretion, may host programs designed to teach parents how to discuss abstinence with their children.

(6) There shall be no effort in either an abstinence-only or an abstinence-plus curriculum to teach that abortion can be used to prevent the birth of a baby.

(7) At all times when sex-related education is discussed or taught, boys and girls shall be separated according to gender into different classrooms, sex-related education instruction may not be conducted when boys and girls are in the company of any students of the opposite gender.

(8) This section shall stand repealed on July 1, * * * 2024.

SECTION 9. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 667

Description: Alcoholic beverages; delete requirement for immediate permit revocation for certain prohibited sales.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/17	(H) Concurred in Amend From Senate {Vote}
11	03/18	(H) Enrolled Bill Signed
12	03/19	(S) Enrolled Bill Signed
13	03/25	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 667

Code Section: A 067-0001-0083

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar
Additional Authors: Crawford

Title: AN ACT TO AMEND SECTION 67-1-83, MISSISSIPPI CODE OF 1972, TO MAKE DISCRETIONARY THE PROVISION REQUIRING THE DEPARTMENT OF REVENUE TO IMMEDIATELY REVOKE THE PERMIT OF ANY PERMITTEE

WHO VIOLATES THE SECTION'S PROHIBITIONS ON ALCOHOLIC BEVERAGE SALES TO CERTAIN PERSONS OR AT CERTAIN TIMES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Lamar, Crawford To: Ways and Means

HOUSE BILL NO. 667
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-83, MISSISSIPPI CODE OF 1972, TO MAKE DISCRETIONARY THE PROVISION REQUIRING THE DEPARTMENT OF REVENUE TO IMMEDIATELY REVOKE THE PERMIT OF ANY PERMITTEE WHO VIOLATES THE SECTION'S PROHIBITIONS ON ALCOHOLIC BEVERAGE SALES TO CERTAIN PERSONS OR AT CERTAIN TIMES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-83, Mississippi Code of 1972, is amended as follows:

67-1-83. (1) It shall be unlawful for any permittee or * * * any employee or agent thereof to sell or furnish any alcoholic beverage to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs. It shall also be unlawful for the holder of any package retailer's permit to sell any alcoholic beverages except by delivery in person to the purchaser at the place of business of the permittee.

(2) It shall be unlawful for any permittee or * * * any employee or agent thereof to sell or furnish any alcoholic

beverage to any person to whom the * * * department has, after investigation, decided to prohibit the sale of those beverages because of an appeal to the * * * department so to do by the husband, wife, father, mother, brother, sister, child, or employer of the person. The interdiction in those cases shall last until removed by the * * * department, but no person shall be held to have violated this subsection unless he has been informed by the * * * department, by registered letter, that it is forbidden to sell to that individual or unless that fact is otherwise known to the permittee or * * * its employee or agent.

(3) It shall be unlawful for any holder of a package retailer's permit, or any employee or agent thereof, engaged solely in the business of package retail sales under this chapter to sell or furnish any alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to sell alcoholic beverages on Sunday and Christmas Day.

(4) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term of not more than six (6) months, or by both that fine and imprisonment, in the discretion of the court. In addition to any other penalties prescribed by law, the commission * * * may immediately revoke the permit of any permittee who violates the provisions of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 852

Description: Teachers' and teacher's assistants' salaries; provide increase to minimum salary.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Education; Appropriations
2	01/28	(H) DR - TSDPCS: ED To AP
3	02/02	(H) DR - TSDPCS: AP To ED
4	02/02	(H) Title Suff Do Pass Comm Sub
5	02/10	(H) Committee Substitute Adopted
6	02/10	(H) Passed {Vote}
7	02/12	(H) Transmitted To Senate
8	02/16	(S) Referred To Education; Appropriations
9	03/02	(S) DR - TSDPAA: ED To AP
10	03/02	(S) Title Suff Do Pass As Amended
11	03/04	(S) Amended
12	03/04	(S) Passed As Amended {Vote}
13	03/08	(S) Returned For Concurrence
14	03/18	(H) Concurred in Amend From Senate {Vote}
15	03/22	(H) Enrolled Bill Signed
16	03/22	(S) Enrolled Bill Signed
17	03/29	Approved by Governor

Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 852

Code Section: A 037-0019-0007, A 037-0021-0007

----- Additional Information -----

House Committee: Education, Appropriations
Senate Committee: Education, Appropriations

Principal Author: Bennett
Additional Authors: Foster, Summers

2021 GENERAL LAWS OF MISSISSIPPI HB 852

Title: AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM TEACHER SALARY SCALE BY INCREASING THE MINIMUM SALARY; TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM ANNUAL SALARY FOR TEACHER ASSISTANTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bennett, Foster, Summers To: Education; Appropriations

HOUSE BILL NO. 852
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM TEACHER SALARY SCALE BY INCREASING THE MINIMUM SALARY; TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM ANNUAL SALARY FOR TEACHER ASSISTANTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-19-7, Mississippi Code of 1972, is amended as follows:

37-19-7. (1) The allowance in the Mississippi Adequate Education Program for teachers' salaries in each county and separate school district shall be determined and paid in accordance with the scale for teachers' salaries as provided in this subsection. For teachers holding the following types of licenses or the equivalent as determined by the State Board of Education, and the following number of years of teaching experience, the scale shall be as follows:

* * *

2021-2022 MINIMUM SALARY SCHEDULE

Years

Exp.	AAAA	AAA	AA	A
0	41,608.00	40,444.00	39,280.00	37,000.00
1	41,608.00	40,444.00	39,280.00	37,000.00
2	41,608.00	40,444.00	39,280.00	37,000.00
3	42,402.00	41,171.00	39,940.00	37,385.00
4	43,196.00	41,898.00	40,600.00	37,880.00
5	43,990.00	42,625.00	41,260.00	38,375.00
6	44,784.00	43,352.00	41,920.00	38,870.00
7	45,578.00	44,079.00	42,580.00	39,365.00
8	46,372.00	44,806.00	43,240.00	39,860.00
9	47,166.00	45,533.00	43,900.00	40,355.00
10	47,960.00	46,260.00	44,560.00	40,850.00
11	48,754.00	46,987.00	45,220.00	41,345.00
12	49,548.00	47,714.00	45,880.00	41,840.00
13	50,342.00	48,441.00	46,540.00	42,335.00
14	51,136.00	49,168.00	47,200.00	42,830.00
15	51,930.00	49,895.00	47,860.00	43,325.00
16	52,724.00	50,622.00	48,520.00	43,820.00
17	53,518.00	51,349.00	49,180.00	44,315.00
18	54,312.00	52,076.00	49,840.00	44,810.00
19	55,106.00	52,803.00	50,500.00	45,305.00
20	55,900.00	53,530.00	51,160.00	45,800.00
21	56,694.00	54,257.00	51,820.00	46,295.00
22	57,488.00	54,984.00	52,480.00	46,790.00
23	58,282.00	55,711.00	53,140.00	47,285.00

24	59,076.00	56,438.00	53,800.00	47,780.00
25	61,930.00	59,225.00	56,520.00	50,335.00
26	62,724.00	59,952.00	57,180.00	50,830.00
27	63,518.00	60,679.00	57,840.00	51,325.00
28	64,312.00	61,406.00	58,500.00	51,820.00
29	65,106.00	62,133.00	59,160.00	52,315.00
30	65,900.00	62,860.00	59,820.00	52,810.00
31	66,694.00	63,587.00	60,480.00	53,305.00
32	67,488.00	64,314.00	61,140.00	53,800.00
33	68,282.00	65,041.00	61,800.00	54,295.00
34	69,076.00	65,768.00	62,460.00	54,790.00
35 & above	69,870.00	66,495.00	63,120.00	55,285.00

It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no school district shall receive any funds under this section for any school year during which the local supplement paid to any

individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license issued to those teachers on or before October 1 of the current school year. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels applicable to certificated employees who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided above in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(2) (a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars ($6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is employed by a local school board or the State Board of Education

as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. Provided, however, that the total number of licensed school nurses eligible for a salary supplement under this subparagraph (ii) shall not exceed thirty-five (35).

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified

Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and any certified academic language therapist (CALT) who has met the certification requirements of the Academic Language Therapy Association and who is employed by a local school board or is employed by a state

agency under the State Personnel Board. The licensed speech-language pathologist and audiologist and certified academic language therapist shall submit documentation to the State Department of Education that the certificate or endorsement was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist and certified academic language therapist shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, the total number of certified academic language therapists eligible for a salary supplement under this subparagraph (iv) shall not exceed twenty (20).

(b) An employee shall be reimbursed for the actual cost of completing each component of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars ($500.00) for each component, not to exceed four (4) components, for a teacher, school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school

district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its minimum education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education. Local school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled. However, an educational employee shall receive the salary supplement in the amount of Six Thousand Dollars ($6,000.00) for only one (1) of the qualifying certifications authorized under paragraph (a) of this subsection. No school district shall provide more than one (1) annual salary supplement under the provisions of this subsection to any one individual employee holding multiple qualifying national certifications.

(d) If an employee for whom such cost has been paid, in full or in part, by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3) The following employees shall receive an annual salary supplement in the amount of Four Thousand Dollars ($4,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

Effective July 1, 2016, if funds are available for that purpose, any licensed teacher who has met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district located in one (1) of the following counties: Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary supplement awarded under the provisions of this subsection (3) shall be in addition to the salary supplement awarded under the provisions of subsection (2) of this section.

Teachers who meet the qualifications for a salary supplement under this subsection (3) who are assigned for less than one (1) full year or less than full time for the school year shall receive

the salary supplement in a prorated manner, with the portion of the teacher's assignment to the critical geographic area to be determined as of June 15th of the school year.

(4) (a) This section shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding certified teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the

end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria. The State Board of Education shall develop the MPBP policies and procedures and report to the Legislature and Governor by December 1, 2006.

(5) (a) Beginning in the 2008-2009 school year, if funds are available for that purpose, each school in Mississippi shall have mentor teachers, as defined by Sections 37-9-201 through 37-9-213, who shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars ($1,000.00) per each beginning teacher that is being mentored. The additional state compensation shall be limited to those mentor

teachers that provide mentoring services to beginning teachers. For the purposes of such funding, a beginning teacher shall be defined as any teacher in any school in Mississippi that has less than one (1) year of classroom experience teaching in a public school. For the purposes of such funding, no full-time academic teacher shall mentor more than two (2) beginning teachers.

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.

(6) Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to Section 37-19-9 may award additional teacher and administrator pay based thereon.

SECTION 2. Section 37-21-7, Mississippi Code of 1972, is amended as follows:

37-21-7. (1) This section shall be referred to as the "Mississippi Elementary Schools Assistant Teacher Program," the purpose of which shall be to provide an early childhood education program that assists in the instruction of basic skills. The State Board of Education is authorized, empowered and directed to implement a statewide system of assistant teachers in kindergarten classes and in the first, second and third grades. The assistant teacher shall assist pupils in actual instruction under the strict supervision of a licensed teacher.

(2) (a) Except as otherwise authorized under subsection (7), each school district shall employ the total number of assistant teachers funded under subsection (6) of this section. The superintendent of each district shall assign the assistant teachers to the kindergarten, first-, second- and third-grade classes in the district in a manner that will promote the maximum efficiency, as determined by the superintendent, in the instruction of skills such as verbal and linguistic skills, logical and mathematical skills, and social skills.

(b) If a licensed teacher to whom an assistant teacher has been assigned is required to be absent from the classroom, the assistant teacher may assume responsibility for the classroom in lieu of a substitute teacher. However, no assistant teacher shall assume sole responsibility of the classroom for more than three (3) consecutive school days. Further, in no event shall any assistant teacher be assigned to serve as a substitute teacher for any teacher other than the licensed teacher to whom that assistant teacher has been assigned.

(3) Assistant teachers shall have, at a minimum, a high school diploma or a High School Equivalency Diploma equivalent, and shall show demonstratable proficiency in reading and writing skills. The State Department of Education shall develop a testing procedure for assistant teacher applicants to be used in all school districts in the state.

(4) (a) In order to receive funding, each school district shall:

(i) Submit a plan on the implementation of a reading improvement program to the State Department of Education; and

(ii) Develop a plan of educational accountability and assessment of performance, including pretests and posttests, for reading in Grades 1 through 6.

(b) Additionally, each school district shall:

(i) Provide annually a mandatory preservice orientation session, using an existing in-school service day, for administrators and teachers on the effective use of assistant teachers as part of a team in the classroom setting and on the role of assistant teachers, with emphasis on program goals;

(ii) Hold periodic workshops for administrators and teachers on the effective use and supervision of assistant teachers;

(iii) Provide training annually on specific instructional skills for assistant teachers;

(iv) Annually evaluate their program in accordance with their educational accountability and assessment of performance plan; and

(v) Designate the necessary personnel to supervise and report on their program.

(5) The State Department of Education shall:

(a) Develop and assist in the implementation of a statewide uniform training module, subject to the availability of funds specifically appropriated therefor by the Legislature, which shall be used in all school districts for training administrators, teachers and assistant teachers. The module shall provide for the consolidated training of each assistant teacher and teacher to whom the assistant teacher is assigned, working together as a team, and shall require further periodic training for administrators, teachers and assistant teachers regarding the role of assistant teachers;

(b) Annually evaluate the program on the district and state level. Subject to the availability of funds specifically appropriated therefor by the Legislature, the department shall develop: (i) uniform evaluation reports, to be performed by the principal or assistant principal, to collect data for the annual overall program evaluation conducted by the department; or (ii) a program evaluation model that, at a minimum, addresses process evaluation; and

(c) Promulgate rules, regulations and such other standards deemed necessary to effectuate the purposes of this section. Noncompliance with the provisions of this section and any rules, regulations or standards adopted by the department may result in a violation of compulsory accreditation standards as established by the State Board of Education and the Commission on School Accreditation.

(6) In addition to other funds allotted under the Minimum Education or Adequate Education Program, each school district shall be allotted sufficient funding for the purpose of employing assistant teachers. No assistant teacher shall be paid less than the amount he or she received in the prior school year. No school district shall receive any funds under this section for any school year during which the aggregate amount of the local contribution to the salaries of assistant teachers by the district shall have been reduced below such amount for the previous year.

* * *

For assistant teachers, the minimum annual salary shall be as follows:

2021-2022 Minimum Salary.....$15,000.00

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 2006, as certified by the Legislative Budget Office to the State Board of Education and subject to the specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale in the appropriate year to provide an additional one percent (1%) across-the-board increase in the base salaries for assistant teachers. The State Board of Education shall revise the salaries prescribed above for assistant teachers to conform to any adjustments made in prior fiscal years due to revenue growth over and above five percent (5%). The assistant teachers shall not be restricted to working only in the

grades for which the funds were allotted, but may be assigned to other classes as provided in subsection (2)(a) of this section.

(7) (a) As an alternative to employing assistant teachers, any school district may use the allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All state funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.

It is the intent of the Legislature that no school district shall dismiss any assistant teacher for the purpose of using the assistant teacher allotment to employ licensed teachers. School districts may rely only upon normal attrition to reduce the number of assistant teachers employed in that district.

(b) Districts meeting the highest levels of accreditation standards, as defined by the State Board of Education, shall be exempted from the provisions of subsection (4) of this section.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 872

Description: Memorial highway; designate a segment of United States Highway 61 in Jefferson County as the "Highway Patrol Lieutenant Troy Morris Memorial Highway."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H)	Referred To Transportation; Appropriations
2	01/26	(H)	DR - TSDPCS: TR To AP
3	01/28	(H)	DR - TSDPCS: AP To TR
4	01/28	(H)	Title Suff Do Pass Comm Sub
5	02/10	(H)	Committee Substitute Adopted
6	02/10	(H)	Passed {Vote}
7	02/12	(H)	Transmitted To Senate
8	02/22	(S)	Referred To Highways and Transportation; Appropriations
9	03/01	(S)	DR - TSDP: HI To AP
10	03/02	(S)	Title Suff Do Pass
11	03/10	(S)	Passed {Vote}
12	03/11	(S)	Returned For Enrolling
13	03/12	(H)	Enrolled Bill Signed
14	03/12	(S)	Enrolled Bill Signed
15	03/17		Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation, Appropriations

Principal Author: Harness

Title: AN ACT TO DESIGNATE A SEGMENT OF UNITED STATES HIGHWAY 61 LOCATED IN JEFFERSON COUNTY, MISSISSIPPI, AS THE "HIGHWAY PATROL LIEUTENANT TROY MORRIS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 872

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representative Harness — To: Transportation; Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 872

AN ACT TO DESIGNATE A SEGMENT OF UNITED STATES HIGHWAY 61 LOCATED IN JEFFERSON COUNTY, MISSISSIPPI, AS THE "HIGHWAY PATROL LIEUTENANT TROY MORRIS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of United States Highway 61 located in Jefferson County, Mississippi, beginning at the Town of Fayette and extending northerly for one (1) mile is designated and shall be known as the "Highway Patrol Lieutenant Troy Morris Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 887

Description: Memorial highway; designate a segment of United States Highway 82 in Webster County as "Corporal William Justin Cooper Memorial Highway."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H)	Referred To Transportation; Appropriations
2	01/26	(H)	DR - TSDPCS: TR To AP
3	01/28	(H)	DR - TSDPCS: AP To TR
4	01/28	(H)	Title Suff Do Pass Comm Sub
5	02/10	(H)	Committee Substitute Adopted
6	02/10	(H)	Passed {Vote}
7	02/12	(H)	Transmitted To Senate
8	02/22	(S)	Referred To Highways and Transportation; Appropriations
9	03/01	(S)	DR - TSDPAA: HI To AP
10	03/02	(S)	Title Suff Do Pass As Amended
11	03/10	(S)	Amended
12	03/10	(S)	Passed As Amended {Vote}
13	03/11	(S)	Returned For Concurrence
14	03/17	(H)	Decline to Concur/Invite Conf
15	03/22	(H)	Conferees Named Busby,Mangold,Reynolds
16	03/23	(S)	Conferees Named Branning,Whaley,DeLano
17	03/25	(H)	Conference Report Filed
18	03/25	(S)	Conference Report Filed
19	03/26	(S)	Conference Report Adopted {Vote}
20	03/27	(H)	Conference Report Adopted {Vote}
21	03/28	(H)	Enrolled Bill Signed
22	03/29	(S)	Enrolled Bill Signed
23	04/05		Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 887
Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation, Appropriations

Principal Author: Hood
Additional Authors: Oliver

Title: AN ACT TO DESIGNATE A SEGMENT OF UNITED STATES HIGHWAY 82 LOCATED IN WEBSTER COUNTY, MISSISSIPPI, AS THE "CORPORAL WILLIAM JUSTIN COOPER MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 887

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representatives Hood, Oliver

To: Transportation; Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 887

AN ACT TO DESIGNATE A SEGMENT OF UNITED STATES HIGHWAY 82 LOCATED IN WEBSTER COUNTY, MISSISSIPPI, AS THE "CORPORAL WILLIAM JUSTIN COOPER MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of United States Highway 82 located in Webster County, Mississippi, beginning with its intersection with the Webster-Montgomery County Line and extending easterly to its intersection with Grady Road is designated and shall be known as the "Corporal William Justin Cooper Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 945

Description: Light wine, beer and light spirit product; revise number of qualified electors required to petition for election to prohibit or authorize.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	02/02	(H) Title Suff Do Pass As Amended
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass
7	03/10	(S) Passed {Vote}
8	03/11	(S) Returned For Enrolling
9	03/12	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Amendments:

[H] Committee Amendment No 1Tabled

Code Section: A 067-0003-0007, A 067-0003-0009

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Tubb
Additional Authors: Foster, Pigott

Title: AN ACT TO AMEND SECTION 67-3-7, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF QUALIFIED ELECTORS OF A COUNTY REQUIRED FOR A PETITION TO HAVE AN ELECTION TO PROHIBIT OR AUTHORIZE THE TRANSPORTATION, STORAGE, SALE, DISTRIBUTION, RECEIPT OR MANUFACTURE OF BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCT IN A COUNTY; TO AMEND SECTION 67-3-9, MISSISSIPPI CODE OF 1972, TO REVISE

THE NUMBER OF QUALIFIED ELECTORS OF A MUNICIPALITY REQUIRED FOR A PETITION TO HAVE AN ELECTION TO PROHIBIT OR AUTHORIZE THE TRANSPORTATION, STORAGE, SALE, DISTRIBUTION, RECEIPT OR MANUFACTURE OF BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCT IN CERTAIN MUNICIPALITIES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Tubb, Foster, Pigott To: Ways and Means

HOUSE BILL NO. 945

AN ACT TO AMEND SECTION 67-3-7, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF QUALIFIED ELECTORS OF A COUNTY REQUIRED FOR A PETITION TO HAVE AN ELECTION TO PROHIBIT OR AUTHORIZE THE TRANSPORTATION, STORAGE, SALE, DISTRIBUTION, RECEIPT OR MANUFACTURE OF BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCT IN A COUNTY; TO AMEND SECTION 67-3-9, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF QUALIFIED ELECTORS OF A MUNICIPALITY REQUIRED FOR A PETITION TO HAVE AN ELECTION TO PROHIBIT OR AUTHORIZE THE TRANSPORTATION, STORAGE, SALE, DISTRIBUTION, RECEIPT OR MANUFACTURE OF BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCT IN CERTAIN MUNICIPALITIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-3-7, Mississippi Code of 1972, is amended as follows:

67-3-7. (1) If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section 67-9-1 and as may be otherwise authorized in this section. An election to

determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one (1) county more often than once in five (5) years.

In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.

(2) Nothing in this section shall make it unlawful to possess beer, light spirit product or light wine, as defined herein.

(3) Nothing in this section shall make it unlawful to:

(a) Sell, distribute and transport light wine, light spirit product or beer to a qualified resort area as defined in Section 67-1-5;

(b) Sell light wine, light spirit product or beer at a qualified resort area as defined in Section 67-1-5 if such light wine, light spirit product or beer is sold by a person with a permit to engage in the business as a retailer of light wine, light spirit product or beer;

(c) Transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;

(d) Transport legally purchased light wine, light spirit product or beer in unopened containers; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or

(e) Transport homemade beer as authorized in Section 67-3-11.

SECTION 2. Section 67-3-9, Mississippi Code of 1972, is amended as follows:

67-3-9. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the

latest federal decennial census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal decennial census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer, light spirit product or light wine; or any city or town in this state having a population of not less than one thousand (1,000) according to the latest federal decennial census and located in a county that has no city or town with a population of more than two thousand five hundred (2,500); or any city, town or village that is a county seat and has voted to come out from under the dry law under Section 67-1-14; at an election held for the purpose, under the election laws applicable to such city, may either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer, light spirit product and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city or town council or mayor and board of aldermen or other governing body of such city or town for such city or town only, upon the presentation of a petition for such city or town to such governing board containing the names of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified voters of such city or town asking for such election. In like manner, an election to

determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one (1) city more often than once in five (5) years.

Thirty (30) days' notice shall be given to the qualified electors of such city or town in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his or her ticket the voter shall make a cross (X) opposite the words of his choice.

If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine, light spirit product and beer in such city or town. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than four percent (4%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine, light spirit product and beer in such city.

All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 953

Description: Homeowners' associations; regulate managing agents of and require financial reviews by.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Banking and Financial Services
2	01/28	(H) Title Suff Do Pass Comm Sub
3	02/10	(H) Committee Substitute Adopted
4	02/10	(H) Passed {Vote}
5	02/12	(H) Transmitted To Senate
6	02/17	(S) Referred To Business and Financial Institutions
7	03/02	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/18	(H) Concurred in Amend From Senate {Vote}
12	03/22	(H) Enrolled Bill Signed
13	03/22	(S) Enrolled Bill Signed
14	03/29	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 953

----- Additional Information -----

House Committee: Banking and Financial Services
Senate Committee: Business and Financial Institutions

Principal Author: Yancey

Title: AN ACT TO REGULATE MANAGING AGENTS OF HOMEOWNERS ASSOCIATIONS REGARDING THEIR DEPOSIT AND MANAGEMENT OF ASSOCIATION FUNDS; TO PROVIDE CERTAIN DEFINITIONS FOR THE ACT;

TO REQUIRE TRANSFERS OF FUNDS ABOVE A CERTAIN AMOUNT TO BE AUTHORIZED BY PRIOR WRITTEN BOARD APPROVAL; TO PROHIBIT THE MANAGING AGENT FROM COMMINGLING THE FUNDS OF THE ASSOCIATION WITH THE MANAGING AGENTS OWN MONEY OR WITH THE MONEY OF OTHERS THAT THE MANAGING AGENT RECEIVES OR ACCEPTS; TO PROVIDE THAT CURRENTLY COMMINGLED FUNDS SHALL BE SEPARATED BY A CERTAIN DATE; TO REQUIRE THE MANAGING AGENT TO PROVIDE TO THE HOMEOWNERS ASSOCIATION CERTAIN FINANCIAL INFORMATION RELATING TO THE FUNDS OF THE ASSOCIATION BEFORE EVERY REGULAR MEETING AND UPON REQUEST OF THE ASSOCIATION; TO PROVIDE THE BOARD OF A HOMEOWNERS ASSOCIATION TO CONDUCT CERTAIN PERIODIC FINANCIAL REVIEWS; TO AUTHORIZE SPECIAL OR REGULARLY SCHEDULED MEETINGS TO BE HELD BY ELECTRONIC TRANSMISSION OR BY OTHER MEANS OF REMOTE COMMUNICATION; TO REQUIRE HOMEOWNERS ASSOCIATIONS TO MAINTAIN FIDELITY BOND COVERAGE FOR ITS DIRECTORS AND OFFICERS; TO PROVIDE THAT IF THE ASSOCIATION USES A MANAGING AGENT OR MANAGEMENT COMPANY, THE ASSOCIATION'S FIDELITY BOND COVERAGE SHALL ADDITIONALLY INCLUDE DISHONEST ACTS BY THAT PERSON OR ENTITY AND ITS EMPLOYEES; TO PROVIDE THAT THE BOND REQUIREMENT SHALL NOT APPLY IF A MAJORITY OF THE MEMBERS OF THE ASSOCIATION VOTE NOT TO HAVE IT; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 953

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representative Yancey — To: Banking and Financial Services

HOUSE BILL NO. 953
(As Sent to Governor)

AN ACT TO REGULATE MANAGING AGENTS OF HOMEOWNERS ASSOCIATIONS REGARDING THEIR DEPOSIT AND MANAGEMENT OF ASSOCIATION FUNDS; TO PROVIDE CERTAIN DEFINITIONS FOR THE ACT; TO REQUIRE TRANSFERS OF FUNDS ABOVE A CERTAIN AMOUNT TO BE AUTHORIZED BY PRIOR WRITTEN BOARD APPROVAL; TO PROHIBIT THE MANAGING AGENT FROM COMMINGLING THE FUNDS OF THE ASSOCIATION WITH THE MANAGING AGENTS OWN MONEY OR WITH THE MONEY OF OTHERS THAT THE MANAGING AGENT RECEIVES OR ACCEPTS; TO PROVIDE THAT CURRENTLY COMMINGLED FUNDS SHALL BE SEPARATED BY A CERTAIN DATE; TO REQUIRE THE MANAGING AGENT TO PROVIDE TO THE HOMEOWNERS ASSOCIATION CERTAIN FINANCIAL INFORMATION RELATING TO THE FUNDS OF THE ASSOCIATION BEFORE EVERY REGULAR MEETING AND UPON REQUEST OF THE ASSOCIATION; TO PROVIDE THE BOARD OF A HOMEOWNERS ASSOCIATION TO CONDUCT CERTAIN PERIODIC FINANCIAL REVIEWS; TO AUTHORIZE SPECIAL OR REGULARLY SCHEDULED MEETINGS TO BE HELD BY ELECTRONIC TRANSMISSION OR BY OTHER MEANS OF REMOTE COMMUNICATION; TO REQUIRE HOMEOWNERS ASSOCIATIONS TO MAINTAIN FIDELITY BOND COVERAGE FOR ITS DIRECTORS AND OFFICERS; TO PROVIDE THAT IF THE ASSOCIATION USES A MANAGING AGENT OR MANAGEMENT COMPANY, THE ASSOCIATION'S FIDELITY BOND COVERAGE SHALL ADDITIONALLY INCLUDE DISHONEST ACTS BY THAT PERSON OR ENTITY AND ITS EMPLOYEES; TO PROVIDE THAT THE BOND REQUIREMENT SHALL NOT APPLY IF A MAJORITY OF THE MEMBERS OF THE ASSOCIATION VOTE NOT TO HAVE IT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) A managing agent who accepts or receives funds belonging to a homeowners association shall deposit those funds that are not placed into an escrow account with a bank or savings association or into an account under the control of the

association, into a trust fund account maintained by the managing agent in a bank or savings association. All funds deposited by the managing agent in the trust fund account shall be kept in a financial institution and insured by the Federal Deposit Insurance Corporation, and shall be maintained there until disbursed in accordance with written instructions from the association entitled to the funds.

(2) At the written request of the board of the homeowners association, the funds the managing agent accepts or receives on behalf of the association may be deposited into a checking or interest-bearing account in a bank or savings association provided all of the following requirements are met:

(a) The account is in the name of the managing agent as trustee for the association or in the name of the association.

(b) All of the funds in the account are covered by insurance provided by the Federal Deposit Insurance Corporation.

(c) The funds in the account are kept separate, distinct, and apart from the funds belonging to the managing agent or to any other person for whom the managing agent holds funds in trust.

(d) The managing agent discloses to the board of the homeowners association the nature of the account, how interest will be calculated and paid, whether service charges will be paid to the depository and by whom, and any notice requirements or penalties for withdrawal of funds from the account.

(e) No interest earned on funds in the account shall inure directly or indirectly to the benefit of the managing agent or the managing agent's employees.

(f) Transfers of greater than Ten Thousand Dollars ($10,000.00) of an association's total combined reserve and operating account deposits shall not be authorized from the account without prior written approval from the board of the homeowners association.

(3) The managing agent shall maintain a separate record of the receipt and disposition of all funds described in this section, including any interest earned on the funds.

(4) Before every regular meeting of the homeowners association and any other time upon request of the association, the managing agent shall provide to the association all of the information described in Section 2 of this act.

(5) The managing agent shall not commingle the funds of the association with the managing agent's own money or with the money of others that the managing agent receives or accepts. If the managing agent has commingled funds on July 1, 2021, the managing agent shall, no later than September 1, 2021, separate the commingled funds into separate accounts.

(6) The prevailing party in an action to enforce this section shall be entitled to recover reasonable legal fees and court costs.

(7) As used in this act, "association" means a homeowners association duly organized as a nonprofit corporation organized under the Mississippi Nonprofit Corporation Act, Section 79-11-101 et seq., and which is exempt from taxation under the federal Income Tax Code.

(8) As used in this act, "managing agent" is any person who, for compensation or in expectation of compensation, exercises control over the assets of a homeowners association. A "managing agent" does not include a regulated financial institution operating within the normal course of its regulated business practice.

SECTION 2. (1) Unless the governing documents of the homeowners association impose more stringent standards, the board of a homeowners association shall do all of the following at all regularly scheduled meetings:

(a) Review a current reconciliation of the association's operating accounts.

(b) Review a current reconciliation of the association's reserve accounts.

(c) Review the current year's actual operating revenues and expenses compared to the current year's budget.

(d) Review the latest account statements prepared by the financial institutions where the association has its operating and reserve accounts.

(e) Review a receipts and disbursements statement for the association's operating and reserve accounts.

(f) Review the check register, monthly general ledger, and delinquent assessment receivable reports.

(2) Unless prohibited by the governing documents of the homeowners association, the board may hold any special or regularly scheduled meeting, or any special or regularly scheduled member meeting, by electronic transmission or other means of remote communication, or by a combination thereof.

(3) For purposes of this section, "remote communication" means communication via electronic communication, conference telephone, videoconference, the Internet, or such other means by which persons not physically present in the same location may communicate with each other on a substantially concurrent basis.

SECTION 3. The review requirements of Section 2 of this act may be met when every individual member of the board, or a subcommittee of the board consisting of the treasurer and at least one (1) other board member, reviews the documents and statements described in Section 2 of this act independent of a board meeting, so long as the review is ratified at the board meeting subsequent to the review and that ratification is reflected in the minutes of that meeting.

SECTION 4. Notwithstanding any other law to the contrary, transfers of greater than Ten Thousand Dollars ($10,000.00) of a homeowners association's total combined reserve and operating

account deposits shall not be authorized from the association's reserve or operating accounts without prior written board approval. This section shall apply in addition to any other applicable requirements of this act.

SECTION 5. (1) Unless the governing documents of the homeowners association require greater coverage amounts, the homeowners association shall maintain fidelity bond coverage for its directors, officers, and employees in an amount that is equal to or more than the combined amount of the reserves of the association and total assessments for the highest balance during the previous year. The association's fidelity bond shall also include computer fraud and funds transfer fraud, which is not required to include cyber coverage. If the association uses a managing agent, the association's fidelity bond coverage must additionally include dishonest acts by that person or entity and its employees.

(2) Notwithstanding the provisions of subsection (1) of this section, if a majority of the members of a homeowners association at a regular or special meeting of the association vote not to maintain fidelity bond coverage for its directors, officers, or employees, the provisions of subsection (1) shall not apply to the association.

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 974

Description: DPS; revise law regarding.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: ** See Text

History of Actions:

1	01/18	(H) Referred To Judiciary B
2	02/01	(H) Title Suff Do Pass As Amended
3	02/10	(H) Amended
4	02/10	(H) Passed As Amended {Vote}
5	02/12	(H) Transmitted To Senate
6	02/18	(S) Referred To Accountability, Efficiency, Transparency
7	03/01	(S) Title Suff Do Pass As Amended
8	03/10	(S) Amended
9	03/10	(S) Passed As Amended {Vote}
10	03/12	(S) Returned For Concurrence
11	03/17	(H) Concurred in Amend From Senate {Vote}
12	03/18	(H) Enrolled Bill Signed
13	03/19	(S) Enrolled Bill Signed
14	03/25	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2 ***Adopted*** Voice Vote
[H] Amendment No 3 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 974

Code Section: A 045-0001-0002, A 045-0001-0003, A 045-0006-0003, A 045-0001-0006, A 041-0029-0112, A 027-0104-0007, A 041-0061-0053, A 041-0061-0055, A 041-0061-0065, A 041-0061-0075, A 041-0061-0077, A 045-0003-0009, A 045-0003-0045, A 025-0001-0087, A 029-0005-0069, RP 029-0005-0077

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Bain
Additional Authors: Karriem

Title: AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC SAFETY; TO EXPAND THE COMMISSIONER'S POWERS; TO REQUIRE THE COMMISSIONER TO ESTABLISH WITHIN THE DEPARTMENT THE MISSISSIPPI OFFICE OF HOMELAND SECURITY; TO CODIFY A NEW SECTION WITHIN CHAPTER 1, TITLE 45, MISSISSIPPI CODE OF 1972, TO TRANSFER THE OFFICE OF CAPITOL POLICE FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-1-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER TO ADMINISTER OATHS; TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "LAW ENFORCEMENT OFFICER" TO INCLUDE THE COMMISSIONER OF PUBLIC SAFETY AND OTHER DEPARTMENT OF PUBLIC SAFETY EMPLOYEES; TO REVISE THE DEFINITION OF THE TERM "PART-TIME LAW ENFORCEMENT OFFICER" TO INCLUDE ANY PART-TIME EMPLOYEE OF THE DEPARTMENT OF PUBLIC SAFETY SO DESIGNATED BY THE COMMISSIONER; TO AMEND SECTION 45-1-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INVESTIGATIVE SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE MISSISSIPPI BUREAU OF INVESTIGATION SHALL BE DESIGNED TO SUPPORT LAW ENFORCEMENT EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL REQUIREMENTS OF CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI BUREAU OF INVESTIGATION; TO PROVIDE JURISDICTION TO THE MISSISSIPPI BUREAU OF INVESTIGATION TO INVESTIGATE ALL INCIDENTS OF OFFICER-INVOLVED SHOOTINGS IN THE STATE; TO AMEND SECTION 41-29-112, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INVESTIGATIVE SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE BUREAU OF NARCOTICS SHALL BE DESIGNED TO SUPPORT LAW ENFORCEMENT EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL REQUIREMENTS OF CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI BUREAU OF NARCOTICS; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2021, 2021 REGULAR SESSION, TO EXEMPT FROM PUBLIC PROCUREMENT REVIEW BOARD APPROVAL CONTRACTS ENTERED INTO BY THE DEPARTMENT OF PUBLIC SAFETY FOR SERVICE ON SPECIALIZED EQUIPMENT AND SOFTWARE USED BY THE OFFICE OF FORENSICS LABORATORIES AND CONTRACTS FOR ANATOMICAL PATHOLOGY SERVICES; TO AMEND SECTION 41-61-53, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "MEDICAL EXAMINER INVESTIGATOR"; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT OF CERTAIN PERSONS TO APPROVE THE APPOINTMENT OR DISCHARGE OF THE STATE MEDICAL EXAMINER; TO AMEND SECTION 41-61-65, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE

STATE MEDICAL EXAMINER TO USE MEDICAL EXAMINER INVESTIGATORS; TO AMEND SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTOMATIC REPEALER ON THE PROVISION THAT AUTHORIZES FEES FOR MEDICAL EXAMINERS; TO AMEND SECTION 41-61-77, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT DEPUTY STATE MEDICAL EXAMINERS BE LICENSED IN MISSISSIPPI TO PRACTICE MEDICINE; TO AMEND SECTION 45-3-9, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-3-45, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PRIOR SWORN LAW ENFORCEMENT OFFICERS MAY HAVE A PERIOD OF TRAINING THAT IS LESS THAN 80 DAYS; TO ENACT THE "MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021"; TO PROSECUTE UNAUTHORIZED FLYING OPERATIONS OF UNMANNED AIRCRAFT SYSTEMS OVER CORRECTIONAL FACILITIES AND CRITICAL INFRASTRUCTURE SITES; TO DEFINE TERMS; TO PENALIZE VIOLATIONS OF THE ACT; TO AMEND SECTIONS 25-1-87 AND 29-5-69, MISSISSIPPI CODE OF 1972, TO CONFORM; TO REPEAL SECTION 29-5-77, MISSISSIPPI CODE OF 1972, WHICH PROVIDES JURISDICTION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ENFORCE THE LAWS OF MISSISSIPPI WITHIN THE CAPITOL COMPLEX; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 974

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bain, Karriem To: Judiciary B

HOUSE BILL NO. 974
(As Sent to Governor)

AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC SAFETY; TO EXPAND THE COMMISSIONER'S POWERS; TO REQUIRE THE COMMISSIONER TO ESTABLISH WITHIN THE DEPARTMENT THE MISSISSIPPI OFFICE OF HOMELAND SECURITY; TO CODIFY A NEW SECTION WITHIN CHAPTER 1, TITLE 45, MISSISSIPPI CODE OF 1972, TO TRANSFER THE OFFICE OF CAPITOL POLICE FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-1-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER TO ADMINISTER OATHS; TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "LAW ENFORCEMENT OFFICER" TO INCLUDE THE COMMISSIONER OF PUBLIC SAFETY AND OTHER DEPARTMENT OF PUBLIC SAFETY EMPLOYEES; TO REVISE THE DEFINITION OF THE TERM "PART-TIME LAW ENFORCEMENT OFFICER" TO INCLUDE ANY PART-TIME EMPLOYEE OF THE DEPARTMENT OF PUBLIC SAFETY SO DESIGNATED BY THE COMMISSIONER; TO AMEND SECTION 45-1-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INVESTIGATIVE SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE MISSISSIPPI BUREAU OF INVESTIGATION SHALL BE DESIGNED TO SUPPORT LAW ENFORCEMENT EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL REQUIREMENTS OF CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI BUREAU OF INVESTIGATION; TO PROVIDE JURISDICTION TO THE MISSISSIPPI BUREAU OF INVESTIGATION TO INVESTIGATE ALL INCIDENTS OF OFFICER-INVOLVED SHOOTINGS IN THE STATE; TO AMEND SECTION 41-29-112, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INVESTIGATIVE SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE BUREAU OF NARCOTICS SHALL BE DESIGNED TO SUPPORT LAW ENFORCEMENT EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL REQUIREMENTS OF CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI BUREAU OF NARCOTICS; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2021, 2021 REGULAR SESSION, TO EXEMPT FROM PUBLIC PROCUREMENT REVIEW BOARD APPROVAL CONTRACTS ENTERED INTO BY THE DEPARTMENT OF PUBLIC SAFETY FOR SERVICE ON SPECIALIZED EQUIPMENT AND SOFTWARE USED BY THE OFFICE OF FORENSICS LABORATORIES AND CONTRACTS FOR ANATOMICAL PATHOLOGY SERVICES; TO AMEND SECTION

41-61-53, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "MEDICAL EXAMINER INVESTIGATOR"; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT OF CERTAIN PERSONS TO APPROVE THE APPOINTMENT OR DISCHARGE OF THE STATE MEDICAL EXAMINER; TO AMEND SECTION 41-61-65, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE MEDICAL EXAMINER TO USE MEDICAL EXAMINER INVESTIGATORS; TO AMEND SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTOMATIC REPEALER ON THE PROVISION THAT AUTHORIZES FEES FOR MEDICAL EXAMINERS; TO AMEND SECTION 41-61-77, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT DEPUTY STATE MEDICAL EXAMINERS BE LICENSED IN MISSISSIPPI TO PRACTICE MEDICINE; TO AMEND SECTION 45-3-9, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-3-45, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PRIOR SWORN LAW ENFORCEMENT OFFICERS MAY HAVE A PERIOD OF TRAINING THAT IS LESS THAN 80 DAYS; TO ENACT THE "MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021"; TO PROSECUTE UNAUTHORIZED FLYING OPERATIONS OF UNMANNED AIRCRAFT SYSTEMS OVER CORRECTIONAL FACILITIES AND CRITICAL INFRASTRUCTURE SITES; TO DEFINE TERMS; TO PENALIZE VIOLATIONS OF THE ACT; TO AMEND SECTIONS 25-1-87 AND 29-5-69, MISSISSIPPI CODE OF 1972, TO CONFORM; TO REPEAL SECTION 29-5-77, MISSISSIPPI CODE OF 1972, WHICH PROVIDES JURISDICTION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ENFORCE THE LAWS OF MISSISSIPPI WITHIN THE CAPITOL COMPLEX; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-1-2, Mississippi Code of 1972, is amended as follows:

45-1-2. (1) The Executive Director of the Department of Public Safety shall be the Commissioner of Public Safety.

(2) The Commissioner of Public Safety shall establish the organizational structure of the Department of Public Safety, which shall include the creation of any units necessary to implement the duties assigned to the department and consistent with specific requirements of law including, but not limited to:

(a) Office of Public Safety Planning;

(b) Office of Mississippi Highway Safety Patrol;

(c) Office of Mississippi Bureau of Investigation (to be directed by a Lieutenant Colonel of the Mississippi Highway Safety Patrol);

(* * *d) Office of Forensics Laboratories, which includes the Office of the Medical Examiner;

(* * *e) Office of Law Enforcement Officers' Training Academy;

(* * *f) Office of Support Services;

(* * *g) Office of Narcotics, which shall be known as the Bureau of Narcotics; * * *

(* * *h) Office of Homeland Security * * *; and

(i) Office of Capitol Police.

(3) The department shall be headed by a commissioner, who shall be appointed by and serve at the pleasure of the Governor. The appointment of the commissioner shall be made with the advice and consent of the Senate. * * * The commissioner shall have, at a minimum, a bachelor's degree from an accredited college or university.

(4) Notwithstanding any provision of law to the contrary, the commissioner * * * shall appoint heads of offices, who shall serve at the pleasure of the commissioner. The commissioner shall have the authority to organize the offices established by subsection (2) of this section as deemed appropriate to carry out the responsibilities of the department. The commissioner may assign to the appropriate offices such powers and duties as deemed

appropriate to carry out the department's lawful functions. The organization charts of the department shall be presented annually with the budget request of the Governor for review by the Legislature.

(5) The commissioner * * * shall appoint, from within the Department of Public Safety, a statewide safety training officer who shall serve at the pleasure of the commissioner and whose duty it shall be to perform public training for both law enforcement and private persons throughout the state concerning proper emergency response to the mentally ill, terroristic threats or acts, domestic conflict, other conflict resolution, and such other matters as the commissioner may direct.

(6) The commissioner shall establish within the department the Mississippi Office of Homeland Security for the purpose of seeing that the laws are faithfully executed and for the purpose of investigating cyber-related crimes and suppressing crimes of violence and acts of intimidation and terror. The commissioner is hereby authorized to employ within the Office of Homeland Security a director, investigators and other qualified personnel as he may deem necessary to make investigation of cyber-related crimes, crimes of violence and acts of terrorism or intimidation, to aid in the arrest and prosecution of persons charged with such cyber-related crimes, crimes of violence, acts of terrorism or intimidation, or threats of violence and to perform other duties as necessary to accomplish these purposes. Investigators and

other law enforcement personnel employed by the commissioner shall have full power to investigate, apprehend, and arrest persons committing cyber-related crimes, acts of violence, intimidation, or terrorism anywhere in the state, and shall be vested with the power of police officers in the performance of such duties as provided herein. Such investigators and other personnel shall perform their duties under the direction of the commissioner, or his designee. The commissioner shall be authorized to offer and pay suitable rewards to other persons for aiding in such investigation and in the apprehension and conviction of persons charged with cyber-related crimes, acts of violence, or threats of violence, or intimidation, or acts of terrorism.

(* * *7) The commissioner * * * shall establish within the Office of Homeland Security a Mississippi Analysis and Information Center (MSAIC Fusion Center) which shall be the highest priority for the allocation of available federal resources for statewide information sharing, including the deployment of personnel and connectivity with federal data systems. Subject to appropriation therefor, the Mississippi Fusion Center shall employ three (3) regional analysts dedicated to analyzing and resolving potential threats identified by the agency's statewide social media intelligence platform and the dissemination of school safety information.

SECTION 2. (1) The department, through the Office of Capitol Police, shall have jurisdiction relative to the

enforcement of all laws of the State of Mississippi on the properties, from curb to curb including adjoining streets, sidewalks and leased parking lots within the Capitol Complex, set forth in Section 29-5-2, the Court of Appeals Building, the Mississippi Department of Transportation Building and the Public Employees' Retirement System Building, and any property purchased, constructed or otherwise acquired by the State of Mississippi for conducting state business and not specifically under the supervision and care by any other state entity, but which is reasonably assumed the department would be responsible for such. The department shall, through any person or persons appointed by the commissioner, make arrests for any violation of any law of the State of Mississippi on the grounds of or within those properties. The Department of Public Safety shall, in addition, enforce the provisions of this section and Sections 29-5-57 through 29-5-67, 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95, and prescribe such rules and regulations as are necessary therefor. The powers and duties related to the administration of Sections 29-5-57 through 29-5-67, 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95 shall remain with the Department of Finance and Administration.

(2) Subject to the approval of the Board of Trustees of State Institutions of Higher Learning, the Board of Trustees and the Department of Public Safety shall be authorized to enter into a contract for the Department of Public Safety to supply the

security personnel with jurisdiction to enforce all laws of the State of Mississippi on the property of the Board of Trustees located at the corner of Ridgewood Road and Lakeland Drive in the City of Jackson.

(3) The Department of Public Safety and the Department of Agriculture are authorized to enter into a contract for the Department of Public Safety to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Department of Agriculture located at 121 North Jefferson Street and the new Farmer's Market Building located at the corner of High and Jefferson Streets in the City of Jackson, Hinds County, Mississippi. It is the intent of the Legislature that the Department of Public Safety will not post any security personnel at such buildings, but will provide regular vehicle patrols and responses to security system alarms.

(4) The Department of Public Safety and the Mississippi Fair Commission are authorized to enter into a contract for the Department of Public Safety to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Mississippi Fair Commission known as the "Mississippi State Fairgrounds Complex" and any and all of its outlying buildings and property. The Department of Public Safety and the Mississippi Fair Commission are authorized to enter into a contract for the Department of Public Safety to supply the security personnel to the Mississippi Fair Commission with jurisdiction to enforce all

laws of the State of Mississippi on this property and any and all buildings on this property.

(5) The Department of Public Safety and the Department of Revenue are authorized to enter into a contract for the Department of Public Safety to supply the security personnel with jurisdiction to enforce all laws of the State of Mississippi at the Alcoholic Beverage Control facility and the Department of Revenue main office.

(6) The Department of Public Safety shall have jurisdiction relative to the enforcement of all laws of the State of Mississippi within the boundaries of the Capitol Complex Improvement District created in Section 29-5-203. The Department of Public Safety shall, through any person or persons appointed by the Department of Public Safety, make arrests for any violation of any law of the State of Mississippi which occurs within the boundaries of the district. The jurisdiction of the Department of Public Safety under this subsection (6) shall be concurrent with the jurisdiction of the City of Jackson, Mississippi, and that of Hinds County, Mississippi. At any time and/or during any event necessitating the coordination of and/or utilization at multiple jurisdictions, the Department of Public Safety shall be the lead agency when the event occurs on property as defined herein. The jurisdiction and authority of the Department of Public Safety under this subsection (6) shall be in addition to any other

jurisdiction and authority provided to the department under this section or any other law.

SECTION 3. Section 45-1-3, Mississippi Code of 1972, is amended as follows:

45-1-3. (1) When not otherwise specifically provided, the commissioner is authorized to make and promulgate reasonable rules and regulations to be coordinated, and carry out the general provisions of the Highway Safety Patrol and Driver's License Law of 1938.

(2) The commissioner shall have the authority to administer oaths.

SECTION 4. Section 45-6-3, Mississippi Code of 1972, is amended as follows:

45-6-3. For the purposes of this chapter, the following words shall have the meanings ascribed herein, unless the context shall otherwise require:

(a) "Commission" means the Criminal Justice Planning Commission.

(b) "Board" means the Board on Law Enforcement Officer Standards and Training.

(c) "Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section 33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary

responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state and/or the ordinances of any political subdivision thereof. The term "law enforcement officer" also includes employees of the Department of Corrections who are designated as law enforcement officers by the Commissioner of Corrections pursuant to Section 47-5-54, * * * those district attorney criminal investigators who are designated as law enforcement officers, the acting Commissioner of Public Safety, the acting Director of Mississippi Bureau of Narcotics, the acting Director of the Office of Homeland Security, and any employee of the Department of Public Safety designated by the commissioner who has previously served as a law enforcement officer and who would not otherwise be disqualified to serve in such capacity. However, the term "law enforcement officer" shall not mean or include any elected official or any person employed as a legal assistant to a district attorney in this state, compliance agents of the State Board of Pharmacy, or any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed full time" means any person, other than a deputy sheriff or municipal law enforcement officer, who is receiving gross compensation for his or her duties as a law enforcement officer of Two Hundred Fifty Dollars ($250.00) or more per week or One Thousand Seventy-five Dollars ($1,075.00) or more

per month; for a deputy sheriff or municipal law enforcement officer, the term "appointed or employed full time" means a deputy sheriff or municipal law enforcement officer who is receiving gross compensation for his or her duties as a law enforcement officer of Four Hundred Seventy-five Dollars ($475.00) or more per week or Two Thousand Fifty Dollars ($2,050.00) or more per month.

(d) "Part-time law enforcement officer" shall mean any person appointed or employed in a part-time, reserve or auxiliary capacity by the state or any political subdivision thereof who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state or the ordinances of any political subdivision thereof. However, the term "part-time law enforcement officer" shall not mean or include any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed" means any person, other than a deputy sheriff or municipal law enforcement officer, who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Two Hundred Fifty Dollars ($250.00) per week or One Thousand Seventy-five Dollars ($1,075.00) per month; for a deputy sheriff or municipal law enforcement officer, the

term "appointed or employed" means a deputy sheriff or municipal law enforcement officer who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Four Hundred Seventy-five Dollars ($475.00) per week or Two Thousand Fifty Dollars ($2,050.00) per month.

(e) "Law enforcement trainee" shall mean any person appointed or employed in a full-time, part-time, reserve or auxiliary capacity by the state or any political subdivision thereof for the purposes of completing all the selection and training requirements established by the board to become a law enforcement officer or a part-time law enforcement officer. The term "law enforcement trainee" also includes any employee of the Department of Public Safety so designated by the Commissioner of Public Safety. * * * Individuals under this paragraph shall not have the authority to use force, bear arms, make arrests or exercise any of the powers of a peace officer unless:

(i) The trainee is under the direct control and supervision of a law enforcement officer;

(ii) The trainee was previously certified under this chapter; or

(iii) The trainee is a certified law enforcement officer in a reciprocating state.

SECTION 5. Section 45-1-6, Mississippi Code of 1972, is amended as follows:

45-1-6. (1) The Director of the Mississippi Bureau of Investigation is authorized to retain on a contractual basis such persons as he shall deem necessary to detect and apprehend violators of the criminal statutes of this state.

(2) Those persons contracting with the Director of the Mississippi Bureau of Investigation pursuant to subsection (1) shall be known and hereinafter referred to as "special contract agents."

(3) The investigative services provided for in this section shall be designed to support law enforcement efforts of state agencies and to support local law enforcement efforts.

(4) Special contract investigators shall have all powers necessary and incidental to the fulfillment of their contractual obligations, including the power of arrest when authorized by the Director of the Mississippi Bureau of Investigation.

(5) No person shall be a special contract investigator unless he is at least twenty-one (21) years of age.

(6) The Director of the Mississippi Bureau of Investigation shall conduct a background investigation of all potential special contract investigators. All contract agents must meet the minimum standard requirements established by the Board on Law Enforcement Officer Standards and Training.

(7) Any contract pursuant to subsection (1) shall be:

(a) Reduced to writing; and

(b) Terminable upon written notice by either party, and shall in any event terminate one (1) year from the date of signing; and

(c) Approved as to form by the * * * Commissioner of Public Safety.

Such contracts shall not be public records and shall not be available for inspection under the provisions of a law providing for the inspection of public records as now or hereafter amended.

(8) Special contract investigators shall not be considered employees of the Mississippi Bureau of Investigation for any purpose.

(9) The Director of the Mississippi Bureau of Investigation shall have all powers necessary and incidental to the effective operation of this section.

(10) The Mississippi Bureau of Investigation shall have jurisdiction to investigate all incidents of officer-involved shootings, other than state trooper-involved shootings, resulting in injury or death occurring in the state. However, the District Attorney in the jurisdiction where such incident occurred may designate another law enforcement agency to investigate the incident if the District Attorney determines that there is a conflict with the Mississippi Bureau of Investigation or that other extenuating circumstances exist. The Attorney General shall designate another law enforcement agency or task force to

investigate any incident of a state trooper-involved shooting resulting in injury or death occurring in the state.

(* * *11) Notwithstanding any other provisions contained in this section, all contracts authorized under this section and related matters shall be made available to the Legislative Budget Office and the Department of Finance and Administration.

SECTION 6. Section 41-29-112, Mississippi Code of 1972, is amended as follows:

41-29-112. (1) The Director of the Bureau of Narcotics is authorized to retain on a contractual basis such persons as he shall deem necessary to detect and apprehend violators of the criminal statutes pertaining to the possession, sale or use of narcotics or other dangerous drugs.

(2) Those persons contracting with the Director of the Bureau of Narcotics, pursuant to subsection (1), shall be known as, and are hereinafter referred to as, "special contract agents."

(3) The investigative services provided for in this section shall be designed to support law enforcement efforts of state agencies and to support local law enforcement efforts.

(4) Special contract investigators shall have all powers necessary and incidental to the fulfillment of their contractual obligations, including the power of arrest when authorized by the Director of the Bureau of Narcotics.

(5) No person shall be a special contract investigator unless he is at least eighteen (18) years of age.

(6) The Director of the Bureau of Narcotics shall conduct a background investigation of all potential special contract investigators. If the background investigation discloses a criminal record, the applicant shall not be retained without the express approval of the Director of the Bureau of Narcotics. Any matters pertaining to special contract investigators shall be exempt from the provisions of a law relating to meetings open to the public, approved as now or hereafter amended.

(7) Any contract pursuant to subsection (1) shall be:

(a) Reduced to writing; and

(b) Terminable upon written notice by either party, and shall in any event terminate one (1) year from the date of signing; and

(c) Approved as to form by the * * * Commissioner of Public Safety.

Such contracts shall not be public records and shall not be available for inspection under the provisions of a law providing for the inspection of public records as now or hereafter amended.

(8) Special contract investigators shall not be considered employees of the Bureau of Narcotics for any purpose.

(9) The Director of the Bureau of Narcotics shall have all powers necessary and incidental to the effective operation of this section.

(10) Notwithstanding any other provisions contained in this section, all said contracts and related matters shall be made

available to the Legislative Budget Office and the State Fiscal Management Board.

SECTION 7. Section 27-104-7, Mississippi Code of 1972, as amended by Senate Bill No. 2021, 2021 Regular Session, is amended as follows:

27-104-7. (1) (a) There is created the Public Procurement Review Board, which shall be reconstituted on January 1, 2018, and shall be composed of the following members:

(i) Three (3) individuals appointed by the Governor with the advice and consent of the Senate;

(ii) Two (2) individuals appointed by the Lieutenant Governor with the advice and consent of the Senate; and

(iii) The Executive Director of the Department of Finance and Administration, serving as an ex officio and nonvoting member.

(b) The initial terms of each appointee shall be as follows:

(i) One (1) member appointed by the Governor to serve for a term ending on June 30, 2019;

(ii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2020;

(iii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2021;

(iv) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2019; and

(v) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2020.

After the expiration of the initial terms, all appointed members' terms shall be for a period of four (4) years from the expiration date of the previous term, and until such time as the member's successor is duly appointed and qualified.

(c) When appointing members to the Public Procurement Review Board, the Governor and Lieutenant Governor shall take into consideration persons who possess at least five (5) years of management experience in general business, health care or finance for an organization, corporation or other public or private entity. Any person, or any employee or owner of a company, who receives any grants, procurements or contracts that are subject to approval under this section shall not be appointed to the Public Procurement Review Board. Any person, or any employee or owner of a company, who is a principal of the source providing a personal or professional service shall not be appointed to the Public Procurement Review Board if the principal owns or controls a greater than five percent (5%) interest or has an ownership value of One Million Dollars ($1,000,000.00) in the source's business, whichever is smaller. No member shall be an officer or employee of the State of Mississippi while serving as a voting member on the Public Procurement Review Board.

(d) Members of the Public Procurement Review Board shall be entitled to per diem as authorized by Section 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

(e) The members of the Public Procurement Review Board shall elect a chair from among the membership, and he or she shall preside over the meetings of the board. The board shall annually elect a vice chair, who shall serve in the absence of the chair. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by a majority of the members present and voting, entered upon the minutes of the board and signed by the chair. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairs of the Appropriations Committees of the Senate and House of Representatives.

(2) The Public Procurement Review Board shall have the following powers and responsibilities:

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of

commodities and equipment, except computer equipment acquired pursuant to Sections 25-53-1 through 25-53-29;

(b) Adopt regulations governing the approval of contracts let for the construction and maintenance of state buildings and other state facilities as well as related contracts for architectural and engineering services.

The provisions of this paragraph (b) shall not apply to such contracts involving buildings and other facilities of state institutions of higher learning which are self-administered as provided under this paragraph (b) or Section 37-101-15(m);

(c) Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration. These regulations shall require each agency requesting to lease such space to provide the following information that shall be published by the Department of Finance and Administration on its website: the agency to lease the space; the terms of the lease; the approximate square feet to be leased; the use for the space; a description of a suitable space; the general location desired for the leased space; the contact information for a person from the agency; the deadline date for the agency to have received a lease proposal; any other specific terms or conditions of the agency; and any other information deemed appropriate by the Division of Real Property Management of

the Department of Finance and Administration or the Public Procurement Review Board. The information shall be provided sufficiently in advance of the time the space is needed to allow the Division of Real Property Management of the Department of Finance and Administration to review and preapprove the lease before the time for advertisement begins;

(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. However, the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

(iii) Asian-American: having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(iv) American Indian or Alaskan Native: having origins in any of the original people of North America; or

(v) Female;

(e) In consultation with and approval by the Chairs of the Senate and House Public Property Committees, approve leases, for a term not to exceed eighteen (18) months, entered into by state agencies for the purpose of providing parking arrangements for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building;

(f) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel, including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into by any agency that employs only nonstate service employees as defined in Section 25-9-107(c), any personal service contracts entered into for computer or information technology-related services governed

by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the individual state institutions of higher learning, any personal service contracts entered into by the Mississippi Department of Transportation, any personal service contracts entered into by the Department of Human Services through June 30, 2019, which the Executive Director of the Department of Human Services determines would be useful in establishing and operating the Department of Child Protection Services, any personal service contracts entered into by the Department of Child Protection Services through June 30, 2019, any contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission, any contracts entered into by the Department of Finance and Administration when procuring aircraft maintenance, parts, equipment and/or services, any contract entered into by the Department of Public Safety for service on specialized equipment and/or software required for the operation at such specialized equipment for use by the Office of Forensics Laboratories, and any contract for attorney, accountant, actuary auditor, architect, engineer, anatomical pathologist, utility rate expert services, and any personal service contracts approved by the Executive Director of the Department of Finance and Administration and entered into by the Coordinator of Mental Health Accessibility through June 30, 2022. Any such rules and regulations shall provide for maintaining continuous internal audit covering the

activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d). Any rules and regulation changes related to personal and professional services contracts that the Public Procurement Review Board may propose shall be submitted to the Chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairs of the Appropriation Committees of the Senate and House of Representatives at least fifteen (15) days before the board votes on the proposed changes, and those rules and regulation changes, if adopted, shall be promulgated in accordance with the Mississippi Administrative Procedures Act;

(g) Approve all personal and professional services contracts involving the expenditures of funds in excess of Seventy-five Thousand Dollars ($75,000.00), except as provided in paragraph (f) of this subsection (2) and in subsection (8);

(h) Develop mandatory standards with respect to contractual services personnel that require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Public Procurement Review Board shall, unless exempted under this paragraph (h) or under paragraph (i) or (o) of this subsection (2), require the agency involved to submit the procurement to a competitive procurement process, and may reserve the right to reject any or all resulting procurements;

(i) Prescribe certain circumstances by which agency heads may enter into contracts for personal and professional services without receiving prior approval from the Public Procurement Review Board. The Public Procurement Review Board may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;

(i) Agency requirements may be fulfilled by procuring services performed incident to the state's own programs. The agency head shall determine in writing whether the price represents a fair market value for the services. When the procurements are made from other governmental entities, the private sector need not be solicited; however, these contracts shall still be submitted for approval to the Public Procurement Review Board.

(ii) Contracts between two (2) state agencies, both under Public Procurement Review Board purview, shall not require Public Procurement Review Board approval. However, the contracts shall still be entered into the enterprise resource planning system * * *;

(j) Provide standards for the issuance of requests for proposals, the evaluation of proposals received, consideration of costs and quality of services proposed, contract negotiations, the administrative monitoring of contract performance by the agency and successful steps in terminating a contract;

(k) Present recommendations for governmental privatization and to evaluate privatization proposals submitted by any state agency;

(l) Authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract, except the State Board of Education, which shall have the authority to enter into contractual agreements for student assessment for a period up to ten (10) years. The State Board of Education shall procure these services in accordance with the Public Procurement Review Board procurement regulations;

(m) Request the State Auditor to conduct a performance audit on any personal or professional service contract;

(n) Prepare an annual report to the Legislature concerning the issuance of personal and professional services contracts during the previous year, collecting any necessary information from state agencies in making such report;

(o) Develop and implement the following standards and procedures for the approval of any sole source contract for personal and professional services regardless of the value of the procurement:

(i) For the purposes of this paragraph (o), the term "sole source" means only one (1) source is available that can provide the required personal or professional service.

(ii) An agency that has been issued a binding, valid court order mandating that a particular source or provider must be used for the required service must include a copy of the applicable court order in all future sole source contract reviews for the particular personal or professional service referenced in the court order.

(iii) Any agency alleging to have a sole source for any personal or professional service, other than those exempted under paragraph (f) of this subsection (2) and subsection (8), shall publish on the procurement portal website established by Sections 25-53-151 and 27-104-165, for at least fourteen (14) days, the terms of the proposed contract for those services. In addition, the publication shall include, but is not limited to, the following information:

1. The personal or professional service offered in the contract;

2. An explanation of why the personal or professional service is the only one that can meet the needs of the agency;

3. An explanation of why the source is the only person or entity that can provide the required personal or professional service;

4. An explanation of why the amount to be expended for the personal or professional service is reasonable; and

5. The efforts that the agency went through to obtain the best possible price for the personal or professional service.

(iv) If any person or entity objects and proposes that the personal or professional service published under subparagraph (iii) of this paragraph (o) is not a sole source service and can be provided by another person or entity, then the objecting person or entity shall notify the Public Procurement Review Board and the agency that published the proposed sole source contract with a detailed explanation of why the personal or professional service is not a sole source service.

(v) 1. If the agency determines after review that the personal or professional service in the proposed sole source contract can be provided by another person or entity, then the agency must withdraw the sole source contract publication from the procurement portal website and submit the procurement of the personal or professional service to an advertised competitive bid or selection process.

2. If the agency determines after review that there is only one (1) source for the required personal or professional service, then the agency may appeal to the Public Procurement Review Board. The agency has the burden of proving that the personal or professional service is only provided by one (1) source.

3. If the Public Procurement Review Board has any reasonable doubt as to whether the personal or professional service can only be provided by one (1) source, then the agency must submit the procurement of the personal or professional service to an advertised competitive bid or selection process. No action taken by the Public Procurement Review Board in this appeal process shall be valid unless approved by a majority of the members of the Public Procurement Review Board present and voting.

(vi) The Public Procurement Review Board shall prepare and submit a quarterly report to the House of Representatives and Senate Accountability, Efficiency and Transparency Committees that details the sole source contracts presented to the Public Procurement Review Board and the reasons that the Public Procurement Review Board approved or rejected each contract. These quarterly reports shall also include the documentation and memoranda required in subsection (4) of this section. An agency that submitted a sole source contract shall be prepared to explain the sole source contract to each committee by December 15 of each year upon request by the committee * * *;

(p) Assess any fines and administrative penalties provided for in Sections 31-7-401 through 31-7-423.

(3) All submissions shall be made sufficiently in advance of each monthly meeting of the Public Procurement Review Board as prescribed by the Public Procurement Review Board. If the Public Procurement Review Board rejects any contract submitted for review

or approval, the Public Procurement Review Board shall clearly set out the reasons for its action, including, but not limited to, the policy that the agency has violated in its submitted contract and any corrective actions that the agency may take to amend the contract to comply with the rules and regulations of the Public Procurement Review Board.

(4) All sole source contracts for personal and professional services awarded by state agencies, other than those exempted under Section 27-104-7(2)(f) and (8), whether approved by an agency head or the Public Procurement Review Board, shall contain in the procurement file a written determination for the approval, using a request form furnished by the Public Procurement Review Board. The written determination shall document the basis for the determination, including any market analysis conducted in order to ensure that the service required was practicably available from only one (1) source. A memorandum shall accompany the request form and address the following four (4) points:

(a) Explanation of why this service is the only service that can meet the needs of the purchasing agency;

(b) Explanation of why this vendor is the only practicably available source from which to obtain this service;

(c) Explanation of why the price is considered reasonable; and

(d) Description of the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.

(5) In conjunction with the State Personnel Board, the Public Procurement Review Board shall develop and promulgate rules and regulations to define the allowable legal relationship between contract employees and the contracting departments, agencies and institutions of state government under the jurisdiction of the State Personnel Board, in compliance with the applicable rules and regulations of the federal Internal Revenue Service (IRS) for federal employment tax purposes. Under these regulations, the usual common law rules are applicable to determine and require that such worker is an independent contractor and not an employee, requiring evidence of lawful behavioral control, lawful financial control and lawful relationship of the parties. Any state department, agency or institution shall only be authorized to contract for personnel services in compliance with those regulations.

(6) No member of the Public Procurement Review Board shall use his or her official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of commodities, the contracting for personal or professional services, or the contracting for public construction under this chapter.

(7) Notwithstanding any other laws or rules to the contrary, the provisions of subsection (2) of this section shall not be applicable to the Mississippi State Port Authority at Gulfport.

(8) Nothing in this section shall impair or limit the authority of the Board of Trustees of the Public Employees' Retirement System to enter into any personal or professional services contracts directly related to their constitutional obligation to manage the trust funds, including, but not limited to, actuarial, custodial banks, cash management, investment consultant and investment management contracts.

(9) Notwithstanding the exemption of personal and professional services contracts entered into by the Department of Human Services and personal and professional services contracts entered into by the Department of Child Protection Services from the provisions of this section under subsection (2)(f), before the Department of Human Services or the Department of Child Protection Services may enter into a personal or professional service contract, the department(s) shall give notice of the proposed personal or professional service contract to the Public Procurement Review Board for any recommendations by the board. Upon receipt of the notice, the board shall post the notice on its website and on the procurement portal website established by Sections 25-53-151 and 27-104-165. If the board does not respond to the department(s) within seven (7) calendar days after receiving the notice, the department(s) may enter the proposed

personal or professional service contract. If the board responds to the department(s) within seven (7) calendar days, then the board has seven (7) calendar days from the date of its initial response to provide any additional recommendations. After the end of the second seven-day period, the department(s) may enter the proposed personal or professional service contract. The board is not authorized to disapprove any proposed personal or professional services contracts. This subsection shall stand repealed on July 1, 2022.

SECTION 8. Section 41-61-53, Mississippi Code of 1972, is amended as follows:

41-61-53. For the purposes of Sections 41-61-51 through 41-61-79, the following definitions shall apply:

(a) "Certification of death" means signing the death certificate.

(b) "Coroner" means the elected county official provided for in Sections 19-21-101 through 19-21-107.

(c) "County medical examiner investigator" means a nonphysician coroner or deputy coroner trained * * * to investigate and certify deaths affecting the public interest.

(d) "County medical examiner" means a licensed physician * * * who is a coroner or deputy coroner trained to investigate and certify deaths affecting the public interest.

(e) "Death affecting the public interest" means any death of a human being where the circumstances are sudden, unexpected, violent, suspicious or unattended.

(f) "Medical examiner" means the medical examiner system which is composed of the State Medical Examiner, county medical examiners and county medical examiner investigators collectively, and is a jurisdictional identifier, not a title, unless the context clearly requires otherwise.

(g) "Medical examiner investigator" means a nonphysician appointed, trained and supervised by the State Medical Examiner to investigate and assist with the certification of deaths affecting the public interest.

(* * *h) "Pronouncement of death" means the statement of opinion that life has ceased for an individual.

(* * *i) "State Medical Examiner" means the person appointed by the Commissioner of Public Safety pursuant to Section 41-61-55 to investigate and certify deaths that affect the public interest.

(* * *j) "Autopsy" means a postmortem examination.

(* * *k) "Postmortem examination" means an examination of a dead human body that may include the least invasive to most invasive methods based on the expertise and judgment of the pathologist handling the case.

SECTION 9. Section 41-61-55, Mississippi Code of 1972, is amended as follows:

41-61-55. (1) There is hereby created the position of State Medical Examiner, under the supervision of the Commissioner of Public Safety and within the Office of Forensic Laboratories. The State Medical Examiner shall be appointed by the Commissioner of Public Safety subject to * * * review by the dean of the University of Mississippi Medical Center School of Medicine and the State Health Officer. The State Medical Examiner may be discharged only for good cause * * * by the Commissioner of Public Safety * * *.

(2) The State Medical Examiner must obtain a license to practice medicine in Mississippi and be certified in forensic pathology by the American Board of Pathology. The State Medical Examiner may also be designated as the Chief Medical Examiner.

(3) There is hereby created the State Medical Examiner Advisory Council composed of the State Health Officer or his or her designee, the Dean of the University of Mississippi Medical Center School of Medicine or his or her designee, the Commissioner of Public Safety, the Attorney General or his or her designee, the President of the Mississippi Coroner and Medical Examiners Association or his or her designee, the President of the Mississippi Prosecutors Association or his or her designee, the President of the Mississippi Public Defenders Association or his or her designee, the President of the Mississippi Association of Chiefs of Police or his or her designee, and the President of the Mississippi Sheriffs' Association or his or her designee. The

council shall be purely advisory and serve as a liaison between the State Medical Examiner and the various entities related to the Medical Examiner Act.

SECTION 10. Section 41-61-65, Mississippi Code of 1972, is amended as follows:

41-61-65. (1) If, in the opinion of the medical examiner investigating the case, it is advisable and in the public interest that an autopsy or other study be made for the purpose of determining the primary and/or contributing cause of death, an autopsy or other study shall be made by the State Medical Examiner, or the State Medical Examiner may choose a competent pathologist who is designated by the State Medical Examiner or the Department of Public Safety as a pathologist qualified to perform postmortem examinations and autopsies to perform the autopsy or study. To be eligible to be designated under this section, a pathologist must be an M.D. or D.O. who is certified in * * * anatomic pathology by the American Board of Pathology unless a certified * * * anatomic pathologist is not available to perform a postmortem examination or autopsy within a reasonable time. The State Medical Examiner or designated pathologist may retain any tissues as needed for further postmortem studies or documentation. When the medical examiner has received notification under Section 41-39-15(6) that the deceased is medically suitable to be an organ and/or tissue donor, the State Medical Examiner or designated pathologist may retain any biopsy or medically approved sample of

the organ and/or tissue in accordance with the provisions of Section 41-39-15(6). A complete autopsy report of findings and interpretations, prepared on forms designated for this purpose, shall be submitted promptly to the State Medical Examiner. Copies of the report shall be furnished to the authorizing medical examiner, district attorney and court clerk. A copy of the report shall be furnished to one (1) adult member of the immediate family of the deceased or the legal representative or legal guardian of members of the immediate family of the deceased upon request. In determining the need for an autopsy, the medical examiner may consider the request from the district attorney or county prosecuting attorney, law enforcement or other public officials or private persons. However, if the death occurred in the manner specified in subsection (2)(j) of Section 41-61-59, an autopsy shall be performed by the State Medical Examiner or a designated pathologist who is qualified as required by this subsection, and the report of findings shall be forwarded promptly to the State Medical Examiner, investigating medical examiner, the State Department of Health, the infant's attending physician and the local sudden infant death syndrome coordinator. In addition to the authority granted under this section, medical examiner investigators, under the supervision of the State Medical Examiner, may assist with the performance or completion of autopsies or other duties of the Office of the State Medical Examiner.

(2) Any medical examiner or duly licensed physician performing authorized investigations and/or autopsies as provided in Sections 41-61-51 through 41-61-79 who, in good faith, complies with the provisions of Sections 41-61-51 through 41-61-79 in the determination of the cause and/or manner of death for the purpose of certification of that death, shall not be liable for damages on account thereof, and shall be immune from any civil liability that might otherwise be incurred or imposed.

(3) Family members or others who disagree with the medical examiner's determination shall be able to petition and present written argument to the State Medical Examiner for further review. If the petitioner still disagrees, he may petition the circuit court, which may, in its discretion, hold a formal hearing. In all those proceedings, the State Medical Examiner and the county medical examiner or county medical examiner investigator who certified the information shall be made defendants. All costs of the petition and hearing shall be borne by the petitioner.

SECTION 11. Section 41-61-75, Mississippi Code of 1972, is amended as follows:

41-61-75. (1) For each investigation with the preparation and submission of the required reports, the following fees shall be billed to and paid by the county for which the service is provided:

(a) A medical examiner or his deputy shall receive One Hundred Seventy-five Dollars ($175.00) for each completed report

of investigation of death, plus the examiner's actual expenses. In addition to that fee, in cases where the cause of death was sudden infant death syndrome (SIDS) and the medical examiner provides a SIDS Death Scene Investigation report, the medical examiner shall receive for completing that report an additional Fifty Dollars ($50.00), or an additional One Hundred Dollars ($100.00) if the medical examiner has received advanced training in child death investigations and presents to the county a certificate of completion of that advanced training. The State Medical Examiner shall develop and prescribe a uniform format and list of matters to be contained in SIDS/Child Death Scene Investigation reports, which shall be used by all county medical examiners and county medical examiner investigators in the state.

(b) The pathologist performing autopsies as provided in Section 41-61-65 shall receive One Thousand Dollars ($1,000.00) per completed autopsy, plus mileage expenses to and from the site of the autopsy, and shall be reimbursed for any out-of-pocket expenses for third-party testing, not to exceed One Hundred Dollars ($100.00) per autopsy.

(2) Any medical examiner, physician or pathologist who is subpoenaed for appearance and testimony before a grand jury, courtroom trial or deposition shall be entitled to an expert witness hourly fee to be set by the court and mileage expenses to and from the site of the testimony, and such amount shall be paid by the jurisdiction or party issuing the subpoena.

* * *

SECTION 12. Section 41-61-77, Mississippi Code of 1972, is amended as follows:

41-61-77. (1) The Department of Public Safety shall establish and maintain a central office for the Mississippi Forensics Laboratory and the State Medical Examiner with appropriate facilities and personnel for postmortem medicolegal examinations. District offices, with appropriate facilities and personnel, may also be established and maintained if considered necessary by the department for the proper management of postmortem examinations.

The facilities of the central and district offices and their staff services may be available to the medical examiners and designated pathologists in their investigations.

(2) In order to provide proper facilities for investigating deaths as authorized in Sections 41-61-51 through 41-61-79, the State Medical Examiner may arrange for the use of existing public or private laboratory facilities. The State Medical Examiner may contract with qualified persons to perform or to provide support services for autopsies, studies and investigations not inconsistent with other applicable laws. Such laboratory facilities may be located at the University of Mississippi Medical Center or any other suitable location. The State Medical Examiner may be an affiliate or regular faculty member of the Department of Pathology at the University of Mississippi Medical Center and may

serve as a member of the faculty of other institutions of higher learning. He shall be authorized to employ, with the approval of the Commissioner of Public Safety, such additional scientific, technical, administrative and clerical assistants as are necessary for performance of his duties. Such employees in the Office of the State Medical Examiner shall be subject to the rules, regulations and policies of the Mississippi State Personnel Board in their employment.

(3) The State Medical Examiner shall be authorized to employ qualified pathologists as deputy * * * state medical examiners as are necessary to carry out the duties of his office. The deputy * * * state medical examiners shall be licensed to practice medicine * * * and, either board-certified in forensic pathology by the American Board of Pathology or be a physician who is * * * board certified in anatomic pathology by the American Board of Pathology. The State Medical Examiner may delegate specific duties to competent and qualified medical examiners within the scope of the express authority granted to him by law or regulation. Employees of the Office of the State Medical Examiner shall have the authority to enter any political subdivisions of this state for the purpose of carrying out medical investigations.

SECTION 13. Section 45-3-9, Mississippi Code of 1972, is amended as follows:

45-3-9. (1) The chief of patrol, directors, inspectors, assistant inspectors, patrol officers and investigators of the

department shall be selected after an examination as to physical and mental fitness, knowledge of traffic laws, rules and regulations of this state, the laws of the state pertaining to arrest, and the rules and regulations of the Mississippi Department of Public Safety and Public Service Commission, such examination to be prescribed by the commissioner. At the time of appointment they shall be citizens of the United States and the State of Mississippi, of good moral character, and shall be not less than twenty-one (21) years of age and shall have * * * a high school diploma or High School Equivalency Diploma * * *.

(2) Sworn agents of the Mississippi Bureau of Narcotics who are employed as enforcement troopers shall retain all compensatory, personal and sick leave accrued pursuant to Sections 25-3-92, 25-3-93 and 25-3-95.

SECTION 14. Section 45-3-45, Mississippi Code of 1972, is amended as follows:

45-3-45. The commissioner is hereby authorized to set up a training school for patrolmen. He shall prescribe the rules and regulations for the operation of same and the period of training to be required of appointees to the Mississippi Highway Safety Patrol. * * * The period of training for recruits shall not be less than eighty (80) days; however, prior sworn law enforcement officers who have at least two (2) years of law enforcement experience may have a period of additional training

that is less than eighty (80) days. The expense of such training shall be paid in the same manner as other expenses of the patrol.

SECTION 15. Sections 15 through 19 of this act shall be known and referred to as the "Mississippi Unmanned Aircraft Systems Protection Act of 2021."

SECTION 16. For the purposes of Sections 15 through 19 of this act, unless otherwise specified, the following terms shall have the following meanings:

(a) "Correctional facility" means any:

(i) Confinement facility operated or contracted by the Mississippi Department of Corrections;

(ii) Confinement facility operated or contracted by the Federal Department of Prisons;

(iii) Municipality or county jail;

(iv) Confinement facility operated or contracted by the Federal Department of Prisons; or

(v) Public or private youth detention facility.

(b) "Critical infrastructure" means any of the following, whether public or private:

(i) Petroleum refinery or petroleum tank farm;

(ii) Electrical power generation facility which supports the Mississippi power grid system;

(iii) Natural gas processing and terminal facility;

(iv) Military installation owned by the federal or state government; or

(v) Entity contracted by the Department of Defense or State Military Department to produce defense products.

(c) "Unmanned aircraft" means an aircraft that is constructed or operated without the possibility of direct human intervention from within or on the aircraft, including every object that is on board or otherwise attached to the aircraft, or carried or operated during flight, regardless of weight. For purposes of this act, this term is synonymous with the term "drone."

(d) "Unmanned aircraft system" means an unmanned aircraft and all associated elements, including, but not limited to, communication links, sensing devices, and components that control the unmanned aircraft.

SECTION 17. A person commits the offense of unlawful use of an unmanned aircraft system if he or she knowingly:

(a) Uses an unmanned aircraft system to conduct surveillance of, collect information or data, or photographically or electronically record a critical infrastructure or correctional facility without the prior written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; or

(b) Delivers or attempts to deliver contraband using an unmanned aircraft system on a correctional facility property or

adjacent property for the purpose of introducing contraband into a correctional facility.

SECTION 18. (1) Nothing in Sections 15 through 19 of this act shall be deemed to prohibit the operation of an unmanned aircraft system by a law enforcement agency for any lawful purpose in this state.

(2) A public agency or a public contractor, other than a law enforcement agency or contractor, may operate an unmanned aircraft system only if the public agency or contracted entity operates the unmanned aircraft system:

(a) With the written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; and

(b) In accordance with the rules and regulations adopted by the Federal Aviation Administration.

(3) This act shall not pertain to unmanned aircraft operating under Federal Aviation Administration Certificates of Waiver Authorization.

SECTION 19. (1) Any person who is convicted under Section 17(a) of this act shall be guilty of a misdemeanor, punishable up to one (1) year in prison or a fine not to exceed One Thousand Dollars ($1,000.00) for the first offense or both.

(2) Any person convicted under Section 17(b) of this act shall be guilty of a felony, punishable by a term of no less than three (3) years and no more than fifteen (15) years in the State

Penitentiary or a fine not to exceed Twenty-five Thousand Dollars ($25,000.00), or both.

SECTION 20. Section 25-1-87, Mississippi Code of 1972, is amended as follows:

25-1-87. All motor vehicles owned or leased by the State of Mississippi or any agency, department or political subdivision thereof, which shall include counties and municipalities, when such agency or department or political subdivision, which shall include counties and municipalities, is supported wholly or in part by public taxes or by appropriations from public funds, shall have painted on both sides in letters at least three (3) inches in height, and on the rear in letters not less than one and one-half (1-1/2) inches in height, the name of the state agency or department, or political subdivision, which shall include counties and municipalities, in a color which is in contrast with the color of the vehicle; provided, however, that a permanent decal may be used in lieu of paint, and provided further, that any municipality may affix a permanent decal or design at least twelve (12) inches in height and twelve (12) inches in width on both sides of the vehicle with the name of the municipality within or across the permanent decal or design, and the permanent design or decal shall be in a color or colors which are in contrast with the color of the vehicle. No privilege license tag shall be issued for such vehicle until the name has been painted thereon or a permanent design or decal affixed thereto as required by this section. A

permanent decal may be used in lieu of paint. The provisions of this paragraph shall not apply to vehicles used by the Chief Executive of the State of Mississippi, to vehicles owned or leased by the Department of Economic and Community Development, to vehicles owned or leased by the Office of the Attorney General, to not more than one (1) vehicle owned or leased by the Department of * * * Public Safety for use by the Capitol Police, to vehicles owned or leased by the Mississippi State Board of Medical Licensure and used only by the Investigative Division of the board, to one (1) vehicle owned or leased by the Executive Director of the Department of Mental Health, to not more than one (1) vehicle owned or leased by the Mississippi Division of Medicaid, to one (1) vehicle owned or leased by the State Department of Rehabilitation Services, to one (1) vehicle owned or leased by the Mississippi Department of Transportation, to one (1) vehicle owned or leased by the Commissioner of the Mississippi Department of Corrections, to not more than three (3) vehicles owned or leased by the Department of Corrections and used only by Community Services Division officers, to not more than one (1) vehicle owned or leased by the Mississippi Department of Transportation and used only by an investigator employed by the Mississippi Department of Transportation, to not more than two (2) vehicles owned or leased by the Mississippi Department of Marine Resources, or to not more than one (1) vehicle owned or leased by the * * * Department of Revenue; and upon receipt of a written

request from the State Adjutant General, the Commissioner of Public Safety, the Director of the Alcoholic Beverage Control Division of the * * * Department of Revenue, the Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks, the Director of the Bureau of Narcotics, the Executive Officer of the Board of Pharmacy, the Executive Director of the Mississippi Gaming Commission, the State Auditor or a president or chancellor of a state institution of higher learning, the Governor may authorize the use of specified unmarked vehicles only in instances where such identifying marks will hinder official investigations, and the governing authorities of any municipality may authorize the use of specified, unmarked police vehicles when identifying marks would hinder official criminal investigations by the police. The written request or the order or resolution authorizing such shall contain the manufacturer's serial number, the state inventory number, where applicable, and shall set forth why the vehicle should be exempt from the provisions of this paragraph. In the event the request is granted, the Governor shall furnish the State Department of Audit with a copy of his written authority for the use of the unmarked vehicles, or the governing authority, as the case may be, shall enter its order or resolution on the minutes and shall furnish the State Department of Audit with a certified copy of its order or resolution for the use of the unmarked police vehicle. The state property auditors of the State Department of Audit shall personally examine vehicles

owned or leased by the State of Mississippi or any agency, department or commission thereof and report violations of the provisions of this paragraph to the State Auditor and the Chairman of the Joint Legislative Committee on Performance Evaluation and Expenditure Review. Any vehicle found to be in violation of this paragraph shall be reported immediately to the department head charged with such vehicle, and five (5) days shall be given for compliance; and if not complied with, such vehicles shall be impounded by the State Auditor until properly marked or exempted.

Upon notification to the * * * Department of Revenue by the State Auditor that any municipality or political subdivision is not in compliance with this section, the * * * Department of Revenue shall withhold any sales tax due for distribution to any such municipality and any excise tax on gasoline, diesel fuel, kerosene and oil due any such county and for any months thereafter, and shall continue to withhold such funds until compliance with this section is certified to the * * * Department of Revenue by the State Department of Audit.

County-owned motor vehicles operated by the sheriff's department shall not be subject to the provisions of this section, but shall be subject to the provisions of Section 19-25-15. County-owned motor vehicles operated by a family court established pursuant to Section 43-23-1 et seq., shall not be subject to the provisions of this section.

State-owned or leased motor vehicles operated by the Department of Mental Health or by facilities operated by the Department of Mental Health and used for transporting patients living in group homes or alternative living arrangements shall not be subject to the provisions of this section.

Up to four (4) passenger automobiles owned or leased by economic development districts or economic development authorities shall not be subject to the provisions of this section.

State-owned or leased motor vehicles operated by the Agricultural and Livestock Theft Bureau of the Department of Agriculture and Commerce and used to investigate livestock theft shall not be subject to the provisions of this section.

Up to three (3) motor vehicles owned or leased by the Pascagoula Municipal Separate School District for use by district security officers shall not be subject to the provisions of this section.

Up to three (3) motor vehicles owned or leased by the Department of Human Services for use only by the Program Integrity Division and the executive director shall not be subject to the provisions of this section.

Up to three (3) motor vehicles owned or leased by the Department of Insurance for use by the State Fire Marshal's Office shall not be subject to the provisions of this section.

The motor vehicles of a public airport shall not be subject to the provisions of this section upon a finding by the governing

authority of such airport that marking a motor vehicle as required in this section will compromise security at such airport.

SECTION 21. Section 29-5-69, Mississippi Code of 1972, is amended as follows:

29-5-69. During the period each year when the Legislature is in session, all parking spaces adjacent to the Capitol grounds on the west side of President Street and on both sides of High Street shall be reserved for the use of Capitol employees. The Office of General Services is instructed to place signs to that effect on said streets during legislative sessions.

All employees in the Capitol who own automobiles shall be provided with distinctive stickers. Each such employee shall place the sticker in a prominent place on the rear of the automobile owned and regularly used by such employee.

Any person without a sticker on his automobile who parks in any space reserved in the first paragraph of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed Twenty-five Dollars ($25.00).

Any person who is not a Capitol employee who has on his automobile a Capitol parking sticker or any Capitol employee who gives his parking sticker to a non-Capitol employee to use on such person's car, shall be guilty of a misdemeanor and shall, upon conviction, be fined One Hundred Dollars ($100.00).

The Office of Capitol Police * * * within the Department of Public Safety shall have the authority and are directed to enforce the provisions of this section.

SECTION 22. Section 2 of this act shall be codified in Chapter 1, Title 45, Mississippi Code of 1972.

SECTION 23. Section 29-5-77, Mississippi Code of 1972, which provides jurisdiction to the Department of Finance and Administration to enforce the laws of Mississippi within the Capitol Complex, is repealed.

SECTION 24. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 995

Description: Memorial highway; designate segment in Marshall County, Mississippi as the "Representative Tommy Woods Memorial Highway."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H)	Referred To Transportation; Appropriations
2	01/26	(H)	DR - TSDPCS: TR To AP
3	01/28	(H)	DR - TSDPCS: AP To TR
4	01/28	(H)	Title Suff Do Pass Comm Sub
5	02/10	(H)	Committee Substitute Adopted
6	02/10	(H)	Passed {Vote}
7	02/12	(H)	Transmitted To Senate
8	02/22	(S)	Referred To Highways and Transportation; Appropriations
9	03/01	(S)	DR - TSDP: HI To AP
10	03/02	(S)	Title Suff Do Pass
11	03/10	(S)	Passed {Vote}
12	03/11	(S)	Returned For Enrolling
13	03/12	(H)	Enrolled Bill Signed
14	03/12	(S)	Enrolled Bill Signed
15	03/17		Approved by Governor

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation, Appropriations

Principal Author: Kinkade
Additional Authors: Massengill, Stamps

Title: AN ACT TO DESIGNATE A SEGMENT OF INTERSTATE HIGHWAY 269 LOCATED IN MARSHALL COUNTY, MISSISSIPPI, AS THE "REPRESENTATIVE TOMMY WOODS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 995

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representatives Kinkade, Massengill, Stamps

To: Transportation; Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 995

AN ACT TO DESIGNATE A SEGMENT OF INTERSTATE HIGHWAY 269 LOCATED IN MARSHALL COUNTY, MISSISSIPPI, AS THE "REPRESENTATIVE TOMMY WOODS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Interstate Highway 269 located in Marshall County, Mississippi, beginning at the Tennessee state line and extending southernly to its intersection with Mississippi Highway 302, is designated and shall be known as the "Representative Tommy Woods Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1047

Description: Nationally certified licensed school employees; delete caps on nurses and speech pathologists and add athletic trainers for salary supplements.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Education; Appropriations
2	01/28	(H) DR - TSDP: ED To AP
3	02/02	(H) DR - TSDP: AP To ED
4	02/02	(H) Title Suff Do Pass
5	02/10	(H) Amended
6	02/10	(H) Passed As Amended {Vote}
7	02/12	(H) Transmitted To Senate
8	02/16	(S) Referred To Education; Appropriations
9	03/02	(S) DR - TSDPAA: ED To AP
10	03/02	(S) Title Suff Do Pass As Amended
11	03/09	(S) Amended
12	03/09	(S) Passed As Amended {Vote}
13	03/10	(S) Returned For Concurrence
14	03/18	(H) Concurred in Amend From Senate {Vote}
15	03/22	(H) Enrolled Bill Signed
16	03/22	(S) Enrolled Bill Signed
17	03/29	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1047

Code Section: A 037-0019-0007

----- Additional Information -----

House Committee: Education, Appropriations
Senate Committee: Education, Appropriations

Principal Author: McGee

Additional Authors: McCarty, Pigott, Mangold, McLean, Gibbs (72nd), Felsher, Haney, Summers

Title: AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO DELETE THE CAP ON THE NUMBER OF NATIONAL BOARD-CERTIFIED NURSES AND SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY SCHOOL DISTRICTS WHO ARE ALLOWED TO RECEIVE THE SALARY SUPPLEMENT FOR NATIONAL BOARD CERTIFICATION; TO REQUIRE THE PAYMENT OF AN ANNUAL SALARY SUPPLEMENT TO STATE-LICENSED ATHLETIC TRAINERS EMPLOYED BY A SCHOOL DISTRICT WHO HAVE ACQUIRED NATIONAL BOARD CERTIFICATION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives McGee, McCarty, Pigott, Mangold, McLean, Gibbs (72nd), Felsher, Haney, Summers

To: Education; Appropriations

HOUSE BILL NO. 1047
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO DELETE THE CAP ON THE NUMBER OF NATIONAL BOARD-CERTIFIED NURSES AND SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY SCHOOL DISTRICTS WHO ARE ALLOWED TO RECEIVE THE SALARY SUPPLEMENT FOR NATIONAL BOARD CERTIFICATION; TO REQUIRE THE PAYMENT OF AN ANNUAL SALARY SUPPLEMENT TO STATE-LICENSED ATHLETIC TRAINERS EMPLOYED BY A SCHOOL DISTRICT WHO HAVE ACQUIRED NATIONAL BOARD CERTIFICATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-19-7, Mississippi Code of 1972, is amended as follows:

37-19-7. (1) The allowance in the Mississippi Adequate Education Program for teachers' salaries in each * * * public school district shall be determined and paid in accordance with the scale for teachers' salaries as provided in this subsection. For teachers holding the following types of licenses or the equivalent as determined by the State Board of Education, and the following number of years of teaching experience, the scale shall be as follows:

2019-2020 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE

Years

Exp.	AAAA	AAA	AA	A
0	40,608.00	39,444.00	38,280.00	35,890.00
1	40,608.00	39,444.00	38,280.00	35,890.00
2	40,608.00	39,444.00	38,280.00	35,890.00
3	41,402.00	40,171.00	38,940.00	36,385.00
4	42,196.00	40,898.00	39,600.00	36,880.00
5	42,990.00	41,625.00	40,260.00	37,375.00
6	43,784.00	42,352.00	40,920.00	37,870.00
7	44,578.00	43,079.00	41,580.00	38,365.00
8	45,372.00	43,806.00	42,240.00	38,860.00
9	46,166.00	44,533.00	42,900.00	39,355.00
10	46,960.00	45,260.00	43,560.00	39,850.00
11	47,754.00	45,987.00	44,220.00	40,345.00
12	48,548.00	46,714.00	44,880.00	40,840.00
13	49,342.00	47,441.00	45,540.00	41,335.00
14	50,136.00	48,168.00	46,200.00	41,830.00
15	50,930.00	48,895.00	46,860.00	42,325.00
16	51,724.00	49,622.00	47,520.00	42,820.00
17	52,518.00	50,349.00	48,180.00	43,315.00
18	53,312.00	51,076.00	48,840.00	43,810.00
19	54,106.00	51,803.00	49,500.00	44,305.00
20	54,900.00	52,530.00	50,160.00	44,800.00
21	55,694.00	53,257.00	50,820.00	45,295.00
22	56,488.00	53,984.00	51,480.00	45,790.00
23	57,282.00	54,711.00	52,140.00	46,285.00

24	58,076.00	55,438.00	52,800.00	46,780.00
25	60,930.00	58,225.00	55,520.00	49,335.00
26	61,724.00	58,952.00	56,180.00	49,830.00
27	62,518.00	59,679.00	56,840.00	50,325.00
28	63,312.00	60,406.00	57,500.00	50,820.00
29	64,106.00	61,133.00	58,160.00	51,315.00
30	64,900.00	61,860.00	58,820.00	51,810.00
31	65,694.00	62,587.00	59,480.00	52,305.00
32	66,488.00	63,314.00	60,140.00	52,800.00
33	67,282.00	64,041.00	60,800.00	53,295.00
34	68,076.00	64,768.00	61,460.00	53,790.00
35 & above	68,870.00	65,495.00	62,120.00	54,285.00

It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no school district shall receive any funds under this section for any school year during which the local supplement paid to any

individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license issued to those teachers on or before October 1 of the current school year. * * * However, * * * school districts are authorized, in their discretion, to negotiate the salary levels applicable to * * * licensed employees who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided above in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(2) (a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars ($6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is

employed by a local school board or the State Board of Education as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. * * *

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the

State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and any certified academic language therapist (CALT) who has met the certification requirements of the Academic Language Therapy Association and who is employed by a local school board * * *. The licensed speech-language pathologist and audiologist and certified academic

language therapist shall submit documentation to the State Department of Education that the certificate or endorsement was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist and certified academic language therapist shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. * * *

(v) Any licensed athletic trainer who has met the requirements and acquired Board Certification for the Athletic Trainer from the Board of Certification, Inc., and who is employed by a local school board or the State Board of Education as an athletic trainer and not as an administrator. The licensed athletic trainer shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed athletic trainer shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. The total number of licensed athletic trainers eligible for a salary supplement under this subparagraph (v) may not exceed twenty (20).

(b) An employee shall be reimbursed for the actual cost of completing each component of acquiring the certificate or

endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars ($500.00) for each component, not to exceed four (4) components, for a teacher, school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its * * * adequate education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education. Local school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall

receive any local supplement to which employees with similar training and experience otherwise are entitled. However, an educational employee shall receive the salary supplement in the amount of Six Thousand Dollars ($6,000.00) for only one (1) of the qualifying certifications authorized under paragraph (a) of this subsection. No school district shall provide more than one (1) annual salary supplement under the provisions of this subsection to any one individual employee holding multiple qualifying national certifications.

(d) If an employee for whom such cost has been paid, in full or in part, by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3) The following employees shall receive an annual salary supplement in the amount of Four Thousand Dollars ($4,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

Effective July 1, 2016, if funds are available for that purpose, any licensed teacher who has met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district located in one (1) of the following counties:

Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary supplement awarded under the provisions of this subsection (3) shall be in addition to the salary supplement awarded under the provisions of subsection (2) of this section.

Teachers who meet the qualifications for a salary supplement under this subsection (3) who are assigned for less than one (1) full year or less than full time for the school year shall receive the salary supplement in a prorated manner, with the portion of the teacher's assignment to the critical geographic area to be determined as of June 15th of the school year.

(4) (a) This section shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding * * * licensed teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of

accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures

deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria. * * *

(5) (a) * * * If funds are available for that purpose, each school in Mississippi shall have mentor teachers, as defined by Sections 37-9-201 through 37-9-213, who shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars ($1,000.00) per each beginning teacher that is being mentored. The additional state compensation shall be limited to those mentor teachers that provide mentoring services to beginning teachers. For the purposes of such funding, a beginning teacher shall be defined as any teacher in any school in Mississippi that has less than one (1) year of classroom experience teaching in a public school. For the purposes of such funding, no full-time academic teacher shall mentor more than two (2) beginning teachers.

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.

(6) Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to Section 37-19-9 may award additional teacher and administrator pay based thereon.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1048

Description: Qualification deadline; change to February 1 for certain statewide, state district, county and county district offices.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Apportionment and Elections
2	01/28	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/22	(S) Referred To Elections
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Motion to Reconsider Entered
10	03/11	(S) Motion to Reconsider Tabled
11	03/11	(S) Returned For Concurrence
12	03/16	(H) Concurred in Amend From Senate {Vote}
13	03/18	(H) Enrolled Bill Signed
14	03/18	(S) Enrolled Bill Signed
15	03/24	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1048

Code Section: A 023-0015-0299, A 023-0015-0213, BF 023-0015-0309, A 023-0015-0977, BF 037-0005-0009

----- Additional Information -----

House Committee: Apportionment and Elections
Senate Committee: Elections

Principal Author: Steverson

Additional Authors: Aguirre, Barton, Bell (21st), Carpenter, Evans (45th), Lamar, Lancaster, Massengill, McGee, Morgan, Pigott, Calvert, Creekmore IV, Deweese, Felsher, Hood, Horan, Smith, Wallace

Title: AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FROM MARCH 1 TO FEBRUARY 1 FOR GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, SECRETARY OF STATE, STATE TREASURER, AUDITOR OF PUBLIC ACCOUNTS, COMMISSIONER OF INSURANCE, COMMISSIONER OF AGRICULTURE AND COMMERCE, STATE HIGHWAY COMMISSIONER, STATE PUBLIC SERVICE COMMISSIONER, DISTRICT ATTORNEY, STATE SENATOR, STATE REPRESENTATIVE, SHERIFF, CHANCERY CLERK, CIRCUIT CLERK, TAX ASSESSOR, TAX COLLECTOR, COUNTY ATTORNEY, BOARD OF SUPERVISORS, COUNTY SURVEYOR, COUNTY CORONER, JUSTICE COURT JUDGE AND CONSTABLE; TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FOR ELECTION COMMISSIONERS FROM THE FIRST MONDAY IN JUNE TO FEBRUARY 1; TO AMEND SECTION 23-15-977, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FROM MARCH 1 TO FEBRUARY 1 FOR SUPREME COURT JUSTICE, COURT OF APPEALS JUDGE, CIRCUIT JUDGE, CHANCELLOR, COUNTY JUDGE AND FAMILY COURT JUDGE; TO BRING FORWARD SECTIONS 23-15-309 AND 37-5-9, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Steverson, Aguirre, Barton, Bell (21st), Carpenter, Evans (45th), Lamar, Lancaster, Massengill, McGee, Morgan, Pigott, Calvert, Creekmore IV, Deweese, Felsher, Hood, Horan, Smith, Wallace

To: Apportionment and Elections

HOUSE BILL NO. 1048
(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-299, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FROM MARCH 1 TO FEBRUARY 1 FOR GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, SECRETARY OF STATE, STATE TREASURER, AUDITOR OF PUBLIC ACCOUNTS, COMMISSIONER OF INSURANCE, COMMISSIONER OF AGRICULTURE AND COMMERCE, STATE HIGHWAY COMMISSIONER, STATE PUBLIC SERVICE COMMISSIONER, DISTRICT ATTORNEY, STATE SENATOR, STATE REPRESENTATIVE, SHERIFF, CHANCERY CLERK, CIRCUIT CLERK, TAX ASSESSOR, TAX COLLECTOR, COUNTY ATTORNEY, BOARD OF SUPERVISORS, COUNTY SURVEYOR, COUNTY CORONER, JUSTICE COURT JUDGE AND CONSTABLE; TO AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FOR ELECTION COMMISSIONERS FROM THE FIRST MONDAY IN JUNE TO FEBRUARY 1; TO AMEND SECTION 23-15-977, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FROM MARCH 1 TO FEBRUARY 1 FOR SUPREME COURT JUSTICE, COURT OF APPEALS JUDGE, CIRCUIT JUDGE, CHANCELLOR, COUNTY JUDGE AND FAMILY COURT JUDGE; TO BRING FORWARD SECTIONS 23-15-309 AND 37-5-9, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 23-15-299, Mississippi Code of 1972, is amended as follows:

23-15-299. (1) (a) Assessments made pursuant to paragraphs (a), (b) and (c) of Section 23-15-297 shall be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. on * * * February 1 of the

year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If * * * February 1 or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

(b) Assessments made pursuant to paragraphs (a), (b) and (c) of Section 23-15-297 shall be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. on * * * February 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If * * * February 1 or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

(2) (a) Assessments made pursuant to paragraphs (d) and (e) of Section 23-15-297, shall be paid by each candidate who seeks a

nomination in the political party election to the circuit clerk of that candidate's county of residence by 5:00 p.m. on * * * February 1 of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the election for the office is held. If * * * February 1 or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday. The circuit clerk shall forward the fee and all necessary information to the secretary of the proper county executive committee within two (2) business days. No candidate may attempt to qualify with any political party that does not have a duly organized county executive committee, and the circuit clerk shall not accept any assessments paid for nonlegislative offices pursuant to paragraphs (d) and (e) of Section 23-15-297 if the circuit clerk does not have contact information for the secretary of the county executive committee for that political party.

(b) Assessments made pursuant to paragraphs (d) and (e) of Section 23-15-297 shall be paid by each independent candidate or special election candidate to the circuit clerk of that candidate's county of residence by 5:00 p.m. on * * * February 1

of the year in which the primary election for the office is held or on the date of the qualifying deadline provided by statute for the office, whichever is earlier; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If * * * February 1 or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday. The circuit clerk shall forward the fee and all necessary information to the secretary of the proper county election commission within two (2) business days.

(3) (a) Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297 must be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297, in years when a presidential preference primary is not being held, shall be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated by 5:00

p.m. on March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held, March 1, or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (a) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

(b) Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297 must be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. Assessments made pursuant to paragraphs (f) and (g) of Section 23-15-297, in years when a presidential preference primary is not being held, shall be paid by each independent candidate or special election candidate to the Secretary of State by 5:00 p.m. on March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If sixty (60) days before the presidential preference primary in

years in which a presidential preference primary is held, March 1, or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (b) shall be paid by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday.

(4) (a) The fees paid pursuant to subsections (1), (2) and (3) of this section shall be accompanied by a written statement containing the name and address of the candidate, the party with which he or she is affiliated, if applicable, the email address of the candidate, if any, and the office for which he or she is a candidate.

(b) The state executive committee shall transmit to the Secretary of State a copy of the written statements accompanying the fees paid pursuant to subsections (1) and (2) of this section. All copies must be received by the Office of the Secretary of State by not later than 6:00 p.m. on the date of the qualifying deadline; provided, however, the failure of the Office of the Secretary of State to receive such copies by 6:00 p.m. on the date of the qualifying deadline shall not affect the qualification of a person who pays the required fee and files the required statement by 5:00 p.m. on the date of the qualifying deadline. The name of any person who pays the required fee and files the required statement after 5:00 p.m. on the date of the qualifying deadline

shall not be placed on the primary election ballot or the general election ballot.

(5) The Secretary of State or the secretary or circuit clerk to whom such payments are made shall promptly receipt for same stating the office for which the candidate making payment is running and the political party with which he or she is affiliated, if applicable, and he or she shall keep an itemized account in detail showing the exact time and date of the receipt of each payment received by him or her and, where applicable, the date of the postmark on the envelope containing the fee and from whom, and for what office the party paying same is a candidate.

(6) The secretaries of the proper executive committee shall hold the funds to be finally disposed of by order of their respective executive committees. The funds may be used or disbursed by the executive committee receiving same to pay all necessary traveling or other necessary expenses of the members of the executive committee incurred in discharging their duties as committee members, and of their secretary and may pay the secretary such salary as may be reasonable. The Secretary of State shall deposit any qualifying fees received from candidates into the Elections Support Fund established in Section 23-15-5.

(7) (a) Upon receipt of the proper fee and all necessary information, the proper executive committee or the Secretary of State, whichever is applicable, shall then determine at the time of the qualifying deadline, unless otherwise provided by law,

whether each candidate is a qualified elector of the state, state district, county or county district which they seek to serve, and whether each candidate meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office. The proper executive committee or the Secretary of State, whichever is applicable, shall determine whether the candidate has taken the steps necessary to qualify for more than one (1) office at the election. The committee or the Secretary of State, whichever is applicable, shall also determine whether any candidate has been convicted (i) of any felony in a court of this state, (ii) on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, (iii) of any felony in a federal court on or after December 8, 1992, or (iv) of any offense that involved the misuse or abuse of his or her office or money coming into his or her hands by virtue of the office. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state.

(b) If the proper executive committee or the Secretary of State, whichever is applicable, finds that a candidate either (i) is not a qualified elector, (ii) does not meet all qualifications to hold the office he or she seeks and fails to

provide absolute proof, subject to no contingencies, that he or she will meet the qualifications on or before the date of the general or special election at which he or she could be elected, or (iii) has been convicted of a felony or other disqualifying offense as described in paragraph (a) of this subsection, and not pardoned, then the executive committee shall notify the candidate and give the candidate an opportunity to be heard. The executive committee shall mail notice to the candidate at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove that he or she meets all qualifications to hold the office subject to no contingencies, then the name of that candidate shall not be placed upon the ballot.

(c) If the proper executive committee or the Secretary of State, whichever is applicable, determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

(d) Where there is but one (1) candidate for each office contested at the primary election, the proper executive committee or the Secretary of State, whichever is applicable, when

the time has expired within which the names of candidates shall be furnished shall declare such candidates the nominees.

(8) No candidate may qualify by filing the information required by this section by using the Internet.

SECTION 2. Section 23-15-213, Mississippi Code of 1972, is amended as follows:

[Until December 31, 2022, this section shall read as follows:]

23-15-213. (1) At the general election in 2020, there shall be elected five (5) election commissioners for each county whose terms of office shall commence on the first Monday of January following their election. Each of the commissioners shall be required to attend a training seminar provided by the Secretary of State and satisfactorily complete a skills assessment, and before acting, shall take and subscribe the oath of office prescribed by the Constitution. The oath shall be filed in the office of the clerk of the chancery court. Upon filing the oath of office, the election commissioner may be provided access to the Statewide Elections Management System for the purpose of performing his or her duties. While engaged in their duties, the commissioners shall be conservators of the peace in the county, with all the duties and powers of such.

(2) The qualified electors of each supervisors district shall elect, at the general election in 2020, in their district one (1) election commissioner. The election commissioners from

board of supervisors' Districts One, Three and Five shall serve for a term of four (4) years. The election commissioners from board of supervisors' Districts Two and Four shall serve for a term of three (3) years. No more than one (1) commissioner shall be a resident of and reside in each supervisors district of the county; it being the purpose of this section that the county board of election commissioners shall consist of one (1) person from each supervisors district of the county and that each commissioner be elected from the supervisors district in which he or she resides.

(3) Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not later than the first Monday in June of the year in which the election occurs and unless the petition is filed within the required time, their names shall not be placed upon the ballot. All candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.

(4) The petition shall have attached thereto a certificate of the county registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the

petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisors district in which he or she seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chair or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No county election commissioner shall serve or be considered as elected until he or she has received a majority of the votes cast for the position or post for which he or she is a candidate. If a majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held three (3) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

(5) Upon taking office, the county election commissioners shall organize by electing a chair and a secretary.

(6) It shall be the duty of the chair to have the official ballot printed and distributed at each general or special election.

[From and after January 1, 2023, this section shall read as follows:]

23-15-213. (1) There shall be elected five (5) election commissioners for each county whose terms of office shall commence

on the first Monday of January following their election and who shall serve for a term of four (4) years. Each of the commissioners shall be required to attend a training seminar provided by the Secretary of State and satisfactorily complete a skills assessment, and before acting, shall take and subscribe the oath of office prescribed by the Constitution. The oath shall be filed in the office of the clerk of the chancery court. Upon filing the oath of office, the election commissioner may be provided access to the Statewide Elections Management System for the purpose of performing his or her duties. While engaged in their duties, the commissioners shall be conservators of the peace in the county, with all the duties and powers of such.

(2) (a) At the general election in 2024 and every four (4) years thereafter, the qualified electors of the board of supervisors' Districts One, Three and Five shall elect in their district one (1) election commissioner.

(b) At the general election in 2023 and every four (4) years thereafter, the qualified electors of the board of supervisors' Districts Two and Four shall elect in their district one (1) election commissioner.

(c) No more than one (1) commissioner shall be a resident of and reside in each supervisors district of the county; it being the purpose of this section that the county board of election commissioners shall consist of one (1) person from each

supervisors district of the county and that each commissioner be elected from the supervisors district in which he or she resides.

(3) Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not later than * * * February 1 of the year in which the election occurs and unless the petition is filed within the required time, their names shall not be placed upon the ballot. All candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.

(4) The petition shall have attached thereto a certificate of the county registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisors district in which he or she seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chair or secretary of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No

county election commissioner shall serve or be considered as elected until he or she has received a majority of the votes cast for the position or post for which he or she is a candidate. If a majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held three (3) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

(5) In the first meeting in January of each year, the county election commissioners shall organize by electing a chair and a secretary, who shall serve a one (1) year term. The county election commissioners shall provide the names of the chair and secretary to the Secretary of State and provide notice of any change in officers which may occur during the year.

(6) It shall be the duty of the chair to have the official ballot printed and distributed at each general or special election.

SECTION 3. Section 23-15-309, Mississippi Code of 1972, is brought forward as follows:

23-15-309. (1) Nominations for all municipal officers which are elective shall be made at a primary election, or elections, to be held in the manner prescribed by law. All persons desiring to be candidates for the nomination in the primary elections shall first pay Ten Dollars ($10.00) to the clerk of the municipality, at least sixty (60) days before the first primary election, no

later than 5:00 p.m. on such deadline day. If the sixtieth day to file the fee and written statement before an election falls on a Sunday or legal holiday, the fees and written statements submitted on the business day immediately following the Sunday or legal holiday shall be accepted.

(2) The fee paid pursuant to subsection (1) of this section shall be accompanied by a written statement containing the name and address of the candidate, the party with which he or she is affiliated, the email address of the candidate, if any, and the office for which he or she is a candidate.

(3) The clerk shall promptly receipt the payment, stating the office for which the person making the payment is running and the political party with which such person is affiliated. The clerk shall keep an itemized account in detail showing the time and date of the receipt of such payment received by him or her, from whom such payment was received, the party with which such person is affiliated and for what office the person paying the fee is a candidate. No candidate may attempt to qualify with any political party that does not have a duly organized municipal executive committee, and the municipal clerk shall not accept any assessments made pursuant to subsection (1) if the municipal clerk does not have contact information for the secretary of the municipal executive committee for that political party. The clerk shall promptly supply all necessary information and pay over all fees so received to the secretary of the proper municipal

executive committee. The funds may be used and disbursed in the same manner as is allowed in Section 23-15-299 in regard to other executive committees.

(4) Upon receipt of the above information, the proper municipal executive committee shall then determine, at the time of the qualifying deadline, whether each candidate is a qualified elector of the municipality, and of the ward if the office sought is a ward office, shall determine whether each candidate either meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office. The executive committee shall determine whether the candidate has taken the steps necessary to qualify for more than one (1) office at the election. The committee also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless such offense also involved misuse or abuse of his or her office or money coming into his or her hands by virtue of the office. If the proper municipal executive

committee finds that a candidate either (a) does not meet all qualifications to hold the office he or she seeks and fails to provide absolute proof, subject to no contingencies, that he or she will meet the qualifications on or before the date of the general or special election at which he or she could be elected, or (b) has been convicted of a felony as described in this subsection and not pardoned, then the executive committee shall notify the candidate and give the candidate an opportunity to be heard. The executive committee shall mail notice to the candidate at least three (3) business days before the hearing to the address provided by the candidate on the qualifying forms, and the committee shall attempt to contact the candidate by telephone, email and facsimile if the candidate provided this information on the forms. If the candidate fails to appear at the hearing or to prove he or she meets all qualifications to hold the office subject to no contingencies, then the name of such candidate shall not be placed upon the ballot. If the executive committee determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

(5) Where there is but one (1) candidate, the proper municipal executive committee when the time has expired within which the names of candidates shall be furnished shall declare such candidate the nominee.

SECTION 4. Section 23-15-977, Mississippi Code of 1972, is amended as follows:

23-15-977. (1) Except as otherwise provided in this section, all candidates for judicial office as defined in Section 23-15-975 of this subarticle shall file their intent to be a candidate with the proper officials and pay the proper assessment by not later than 5:00 p.m. on * * * February 1 of the year in which the general election for the judicial office is held. If * * * February 1 occurs on a Saturday, Sunday or legal holiday, candidates shall file their intent to be a candidate and pay the proper assessment by 5:00 p.m. on the business day immediately following the Saturday, Sunday or legal holiday. Candidates shall pay to the proper officials the following amounts:

(a) Candidates for Supreme Court * * * justice and Court of Appeals judge, the sum of Two Hundred Dollars ($200.00).

(b) Candidates for circuit judge and chancellor, the sum of One Hundred Dollars ($100.00).

(c) Candidates for county judge and family court judge, the sum of Fifteen Dollars ($15.00).

Candidates for judicial office may not file their intent to be a candidate and pay the proper assessment before January 1 of the year in which the election for the judicial office is held.

(2) Candidates for judicial offices listed in paragraphs (a) and (b) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made

pursuant to subsection (1) of this section to, the State Board of Election Commissioners.

(3) Candidates for judicial offices listed in paragraph (c) of subsection (1) of this section shall file their intent to be a candidate with, and pay the proper assessment made pursuant to subsection (1) of this section to, the circuit clerk of the proper county. The circuit clerk shall notify the county election commissioners of all persons who have filed their intent to be a candidate with, and paid the proper assessment to, such clerk. The notification shall occur within two (2) business days and shall contain all necessary information.

(4) If only one (1) person files his or her intent to be a candidate for a judicial office and that person later dies, resigns or is otherwise disqualified from holding the judicial office after the deadline provided for in subsection (1) of this section but more than seventy (70) days before the date of the general election, the Governor, upon notification of the death, resignation or disqualification of the person, shall issue a proclamation authorizing candidates to file their intent to be a candidate for that judicial office for a period of not less than seven (7) nor more than ten (10) days from the date of the proclamation.

(5) If only one (1) person qualifies as a candidate for a judicial office and that person later dies, resigns or is otherwise disqualified from holding the judicial office within

seventy (70) days before the date of the general election, the judicial office shall be considered vacant for the new term and the vacancy shall be filled as provided in by law.

SECTION 5. Section 37-5-9, Mississippi Code of 1972, is brought forward as follows:

37-5-9. The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days prior to the date of such general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each supervisors district. Where there are less than one hundred (100) qualified electors in said supervisors district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of such supervisors district. The candidate in each supervisors district who receives the majority of votes cast in the district shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election.

When any member of the county board of education is to be elected from the county at large under the provisions of this chapter, then the petition required by the preceding paragraph hereof shall be signed by the required number of qualified electors residing in any part of the county outside of the territory embraced within a municipal separate school district or special municipal separate school district. The candidate who receives the majority of votes cast in the election shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election.

In no case shall any qualified elector residing within a municipal separate school district or special municipal separate school district be eligible to sign a petition of nomination for any candidate for the county board of education under any of the provisions of this section.

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1062

Description: Daylight saving time; observe year-round if federal law is amended to allow it.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Interstate Cooperation
2	02/01	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/23	(S) Referred To Rules
6	03/01	(S) Title Suff Do Pass
7	03/10	(S) Passed {Vote}
8	03/11	(S) Returned For Enrolling
9	03/12	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

----- Additional Information -----

House Committee: Interstate Cooperation
Senate Committee: Rules

Principal Author: Arnold
Additional Authors: Williamson, Lancaster, Boyd

Title: AN ACT TO PROVIDE THAT DAYLIGHT SAVING TIME SHALL BE THE YEAR-ROUND STANDARD TIME OF THE STATE OF MISSISSIPPI IF FEDERAL LAW IS AMENDED TO AUTHORIZE STATES TO OBSERVE DAYLIGHT SAVING TIME YEAR-ROUND; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1062

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Arnold, Williamson, Lancaster, Boyd

To: Interstate Cooperation

HOUSE BILL NO. 1062

AN ACT TO PROVIDE THAT DAYLIGHT SAVING TIME SHALL BE THE YEAR-ROUND STANDARD TIME OF THE STATE OF MISSISSIPPI IF FEDERAL LAW IS AMENDED TO AUTHORIZE STATES TO OBSERVE DAYLIGHT SAVING TIME YEAR-ROUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) This section shall be known and may be cited as the "Sunshine Protection Act."

(2) If the United States Congress amends 15 USC 260a to authorize states to observe daylight saving time year-round, daylight saving time shall be the year-round standard time of the State of Mississippi and all of its political subdivisions.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1075

Description: MS Credit Availability Act, Title Pledge Act, and Check Cashers Act; extend or remove repealer on certain provisions of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Banking and Financial Services
2	01/28	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/17	(S) Referred To Business and Financial Institutions
6	03/02	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/08	(S) Motion to Reconsider Entered
9	03/11	(S) Motion to Reconsider Tabled
10	03/11	(S) Returned For Enrolling
11	03/12	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: R 075-0067-0601, R 075-0067-0603, R 075-0067-0605, R 075-0067-0607, R 075-0067-0609, R 075-0067-0611, R 075-0067-0613, R 075-0067-0615, R 075-0067-0617, R 075-0067-0619, R 075-0067-0621, R 075-0067-0623, R 075-0067-0625, R 075-0067-0627, R 075-0067-0629, R 075-0067-0631, R 075-0067-0633, R 075-0067-0635, R 075-0067-0637, R 075-0067-0403, R 075-0067-0505, A 075-0067-0639

----- Additional Information -----

House Committee: Banking and Financial Services
Senate Committee: Business and Financial Institutions

Principal Author: Zuber
Additional Authors: Aguirre

Title: AN ACT TO REENACT SECTIONS 75-67-601 THROUGH 75-67-637, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI CREDIT AVAILABILITY ACT; TO REENACT SECTION 75-67-403, MISSISSIPPI CODE OF 1972, WHICH DEFINES CERTAIN TERMS USED UNDER THE MISSISSIPPI TITLE PLEDGE ACT; TO REENACT SECTION 75-67-505, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES LICENSING REQUIREMENTS FOR CHECK CASHERS UNDER THE MISSISSIPPI CHECK CASHERS ACT; TO AMEND SECTION 75-67-639, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI CREDIT AVAILABILITY ACT TO 2026; TO REMOVE THE REPEALER ON THOSE REENACTED SECTIONS UNDER THE MISSISSIPPI TITLE PLEDGE ACT AND THE MISSISSIPPI CHECK CASHERS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Zuber, Aguirre

To: Banking and Financial Services

HOUSE BILL NO. 1075

AN ACT TO REENACT SECTIONS 75-67-601 THROUGH 75-67-637, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI CREDIT AVAILABILITY ACT; TO REENACT SECTION 75-67-403, MISSISSIPPI CODE OF 1972, WHICH DEFINES CERTAIN TERMS USED UNDER THE MISSISSIPPI TITLE PLEDGE ACT; TO REENACT SECTION 75-67-505, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES LICENSING REQUIREMENTS FOR CHECK CASHERS UNDER THE MISSISSIPPI CHECK CASHERS ACT; TO AMEND SECTION 75-67-639, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI CREDIT AVAILABILITY ACT TO 2026; TO REMOVE THE REPEALER ON THOSE REENACTED SECTIONS UNDER THE MISSISSIPPI TITLE PLEDGE ACT AND THE MISSISSIPPI CHECK CASHERS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 75-67-601, Mississippi Code of 1972, is reenacted as follows:

75-67-601. This article shall be known and may be cited as the "Mississippi Credit Availability Act."

SECTION 2. Section 75-67-603, Mississippi Code of 1972, is reenacted as follows:

75-67-603. The following words and phrases used in this article shall have the following meanings unless the context clearly indicates otherwise:

(a) "Appropriate law enforcement agency" means the sheriff of each county in which the licensee maintains an office, or the police chief of the municipality in which the licensee maintains an office, or law enforcement officers of the Department of Public Safety.

(b) "Attorney General" means the Attorney General of the State of Mississippi.

(c) "Commissioner" means the Mississippi Commissioner of Banking and Consumer Finance, or his designee, as the designated official for the purpose of enforcing this article.

(d) "Credit availability account" means all credit availability transactions held in the name of a single person through a single licensee or, if a secured transaction and the property is jointly owned, the names of the persons who jointly own the property that is being used as security for the transaction. That person or those persons shall be the "account holder" or "account holders."

(e) "Credit availability transaction" means a transaction whereby a credit availability licensee provides a consumer with a fully amortized loan, secured or unsecured, payable in substantially equal payments due monthly, or on any other schedule mutually agreed upon by the licensee and the consumer, over an overall term of four (4) to twelve (12) months, calculated on the amount initially disbursed to the account holder

or holders plus any fees that may be charged in an amount and manner provided for under this article.

(f) "Department" means the Department of Banking and Consumer Finance.

(g) "Licensee" means any individual, partnership, association or corporation duly licensed by the Department of Banking and Consumer Finance to engage in the business of providing credit availability transactions under this article.

(h) "Month" means the calendar month beginning on and including the date of the credit availability transaction.

(i) "Person" means an individual, partnership, corporation, joint venture, trust, association or any legal entity, however organized.

(j) "Written" and "writing" includes communication of information in an electronic record consistent with the federal Electronic Signatures in Global and National Commerce (E-SIGN) Act, 15 USC Section 7001 et seq.

SECTION 3. Section 75-67-605, Mississippi Code of 1972, is reenacted as follows:

75-67-605. (1) A person may not engage in business as a credit availability licensee or otherwise portray himself as a credit availability licensee unless the person has a valid license authorizing him to engage in the business. Any transaction that would be subject to this article that is made by a person who does

not have a valid license under this article shall be null and void.

(2) A credit availability licensee shall (a) have a definitive United States postal address and E911 address; and (b) comply with applicable local zoning requirements, except as otherwise provided in this article; and (c) maintain separate books and records for credit availability transactions.

(3) (a) The commissioner may issue more than one (1) license to a person if that person complies with this article for each license. A new license is required upon a change, directly or beneficially, in the ownership of any licensed credit availability business and an application shall be made to the commissioner in accordance with this article.

(b) When a licensee wishes to move a credit availability business to another physical location, the licensee shall give thirty (30) days' prior written notice to the commissioner who shall amend the license accordingly.

(c) Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. With each initial application for a license, the applicant shall pay the commissioner at the time of making the application a license fee of Seven Hundred Fifty Dollars ($750.00), and on or before September 1 of each year thereafter, an annual renewal fee of Four Hundred Seventy-five Dollars ($475.00). If the annual renewal fee remains unpaid twenty-nine (29) days after September 1, the

license shall thereupon expire, but not before the thirtieth day of September of any year for which the annual fee has been paid. If any licensee fails to pay the annual renewal fee before the thirtieth day of September of any year for which the renewal fee is due, then the licensee shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars ($25.00) for each day that the licensee has engaged in business after September 30. All licensing fees and penalties shall be paid into the Consumer Finance Fund of the Department of Banking and Consumer Finance.

(4) Notwithstanding any other provisions of this article, the commissioner may issue a temporary license authorizing the operation of a credit availability business on the receipt of an application for a license involving principals and owners that are substantially identical to those of an existing licensed credit availability licensee. The temporary license is effective until the permanent license is issued or denied.

(5) Notwithstanding other provisions of this article, neither a new license nor an application to transfer an existing license shall be required upon any change, directly or beneficially, in the ownership of any licensed business incorporated under the laws of this state or any other state so long as the licensee continues to operate as a corporation doing a credit availability business under the license.

(6) Persons licensed under Sections 75-67-401 et seq. and 75-67-501 et seq. on July 1, 2016, shall have until September 30, 2016, to apply for an expedited license approval under this article. The commissioner, in his discretion, may waive certain documentation already on file under those licenses, including fingerprints, and may promulgate an application that expedites the licensing process. Upon the approval of the application, the commissioner shall grant a license under this article.

SECTION 4. Section 75-67-607, Mississippi Code of 1972, is reenacted as follows:

75-67-607. The provisions of this article shall not apply to any bank, trust company, savings association, savings and loan association, savings bank or credit union that is chartered under the laws of this state or under federal law and domiciled in this state.

SECTION 5. Section 75-67-609, Mississippi Code of 1972, is reenacted as follows:

75-67-609. To be eligible for a credit availability license, an applicant shall:

(a) Operate lawfully and fairly within the purposes of this article.

(b) Not have been convicted in the last ten (10) years or be active as a beneficial owner for someone who has been convicted in the last ten (10) years of a crime that the commissioner finds directly relates to the duties and

responsibilities of the business of offering credit availability transactions.

(c) File with the commissioner a bond with good security in the penal sum of Ten Thousand Dollars ($10,000.00), payable to the State of Mississippi, for the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed and the prompt payment of any judgment which may be recovered against the licensee on account of charges or other claims arising directly or collectively from any violation of the provisions of this article. The bond shall not be valid until the commissioner approves it. The applicant may file, in lieu of the bond, cash, a certificate of deposit or government bonds in the amount of Ten Thousand Dollars ($10,000.00). Those deposits shall be filed with the commissioner and are subject to the same terms and conditions as are provided for in the surety bond required in this paragraph. Any interest or earnings on those deposits are payable to the depositor. Applicants applying for multiple licenses may submit a single bond for all licenses, provided that the total value of the bond is equal to Ten Thousand Dollars ($10,000.00) per license applied for.

(d) File with the commissioner an application for a license and the initial license fee required in this article. If applicant's application is approved, a credit availability license will be issued within thirty (30) days.

(e) File with the commissioner a set of fingerprints from any local law enforcement agency for each owner of a sole proprietorship, partners in a partnership or principal owners of a limited liability company that own at least ten percent (10%) of the voting shares of the company, shareholders owning ten percent (10%) or more of the outstanding shares of the corporation, except publically traded corporations and their subsidiaries, and any other executive officer with significant oversight duties of the business. In order to determine the applicant's suitability for license, the commissioner shall forward the fingerprints to the Department of Public Safety; and if no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the FBI for a national criminal history record check.

(f) Complete and file with the commissioner an annual renewal application for a license accompanied by the renewal fee required in this article.

SECTION 6. Section 75-67-611, Mississippi Code of 1972, is reenacted as follows:

75-67-611. Each application for a license shall be in a form prescribed by the commissioner, signed under oath or otherwise authenticated in a record, and shall include the following:

(a) The legal name, residence and business address of the applicant and, if the applicant is a partnership, association or corporation, of every member, officer and director thereof.

However, the application need not state the full name and address of each shareholder, if the applicant is owned directly or beneficially by a person which as an issuer has a class of securities registered under Section 12 of the Securities and Exchange Act of 1934 or is an issuer of securities which is required to file reports with the Securities and Exchange Commission under Section 15(d) of the Securities and Exchange Act, provided that the person files with the commissioner such information, documents and reports as are required by the provisions of the Securities and Exchange Act to be filed by the issuer with the Securities and Exchange Commission. The commissioner may, however, require the licensee to provide such information as he deems reasonable and appropriate concerning the officers and directors of the corporation and persons owning in excess of twenty-five percent (25%) of the outstanding shares of the corporation.

(b) The complete address of the location at which the applicant proposes to engage in the business of offering credit availability transactions.

(c) Other data and information the department may require with respect to the applicant, its directors, trustees, officers, members or agents.

(d) Sworn financial statements of the applicant showing a net worth of at least Twenty Thousand Dollars ($20,000.00) for the first license. The applicant shall possess and maintain a net

worth of at least Twenty Thousand Dollars ($20,000.00) for the first license and at least Five Thousand Dollars ($5,000.00) for each additional license.

SECTION 7. Section 75-67-613, Mississippi Code of 1972, is reenacted as follows:

75-67-613. (1) Upon filing of an application in a form prescribed by the commissioner, accompanied by the documents required in this article, the department shall investigate to ascertain whether the qualifications prescribed in this article have been satisfied. If the commissioner finds that the qualifications have been satisfied and, if he approves the documents so filed by the applicant, he shall issue to the applicant a license to engage in the credit availability business in this state.

(2) The license shall be kept conspicuously posted in the place of business of the licensee.

SECTION 8. Section 75-67-615, Mississippi Code of 1972, is reenacted as follows:

75-67-615. (1) The department may adopt reasonable administrative regulations, not inconsistent with law, for the enforcement of this article and shall develop and provide any necessary forms or other documentation to carry out the provisions of this article.

(2) To assure compliance with the provisions of this article, the department may examine the books and records of any

licensee without notice during normal business hours. The commissioner may charge the licensee an examination fee in an amount not less than Three Hundred Dollars ($300.00) nor more than Six Hundred Dollars ($600.00) for each office or location within the State of Mississippi plus any actual expenses incurred while examining the licensee's records or books that are located outside the State of Mississippi. However, in no event shall a licensee be examined more than once in a two-year period unless for cause shown based upon a consumer complaint and/or other exigent reasons as determined by the commissioner.

(3) Each licensee shall keep and use in its business any books, accounts and records the department may require to carry into effect the provisions of this article and the administrative regulations issued under this article. Every licensee shall preserve the books, accounts and records of its business for at least two (2) years.

SECTION 9. Section 75-67-617, Mississippi Code of 1972, is reenacted as follows:

75-67-617. A licensee shall not advertise, display or publish, or permit to be advertised, displayed or published, in any manner whatsoever, any statement or representation that is false, misleading or deceptive.

SECTION 10. Section 75-67-619, Mississippi Code of 1972, is reenacted as follows:

75-67-619. (1) Notwithstanding any other statutory limitation, a licensee authorized to provide credit availability transactions under this article may charge and collect fees and charges in a manner consistent with this section, and may take as security therefor any personal property that is not exempt or prohibited by state or federal law or regulations.

(2) (a) A licensee may charge and collect a monthly handling fee for services, expenses, and costs not to exceed twenty-five percent (25%) of the outstanding principal balance of any credit availability account per month, or any portion thereof, for transactions of Five Hundred Dollars ($500.00) or less. The handling fee shall not be deemed interest for any purpose of law.

(b) A licensee may charge and collect a monthly handling fee for services, expenses, and costs not to exceed twenty-five percent (25%) of the outstanding principal balance of any credit availability account per month, or portion thereof, for transactions in excess of Five Hundred Dollars ($500.00). The handling fee shall not be deemed interest for any purpose of law.

(c) (i) In addition to the charges authorized under this subsection (2), a licensee may also charge and collect an origination fee in the amount of one percent (1%) of the amount disbursed to the account holder or Five Dollars ($5.00), whichever is greater, for costs associated with providing a credit availability transaction.

(ii) The origination fee shall not be deemed interest for any purpose of law.

(3) (a) No credit availability account created under subsection (2)(a) of this section shall have an outstanding principal balance in excess of Five Hundred Dollars ($500.00) at any time.

(b) No credit availability account created under subsection (2)(b) of this section shall have an outstanding principal balance in excess of Two Thousand Five Hundred Dollars ($2,500.00) at any time.

(4) (a) Any credit availability account created under subsection (2)(a) of this section shall be a fully amortized loan, secured or unsecured, payable in equal payments of four (4) to six (6) months calculated on the amount initially disbursed to the account holder plus any fees that may be charged, in an amount and manner provided for under this article.

(b) Any credit availability account created under subsection (2)(b) of this section shall be a fully amortized loan, secured or unsecured, payable in equal payments of six (6) to twelve (12) months calculated on the amount initially disbursed to the account holder plus any fees that may be charged, in an amount and manner provided for under this article.

(5) In the event an account holder is delinquent in payment of a monthly payment under the terms of a credit availability agreement, the licensee may charge and collect from the account

holder a late fee of ten percent (10%) of the past-due amount; provided, however, that no such late fee may be charged unless an account holder has failed to pay the past-due amount within ten (10) business days after the due date and provided that such fees are clearly disclosed in the credit availability agreement.

(6) In the event an account holder is in default under the terms of a credit availability agreement for more than sixty (60) days, the licensee may charge and collect from the account holder the following fees in connection with any such default, provided that such fees are clearly disclosed in the credit availability agreement:

(a) If the licensee is required to employ a third party, including an attorney, to collect on the account the licensee may:

(i) If the credit availability agreement so provides, charge and collect a reasonable collection fee and attorney's fee; and

(ii) If the credit availability agreement so provides, shall be entitled to recover from the account holder all court costs incurred and to recover any court-awarded damages, including those incurred on appeal.

(b) If applicable, the licensee may charge and collect from the account holder any fees and costs relating to the repossession and sale of collateral, including, but not limited

to, fees and costs associated with the repossession, storage, preparation for sale and sale of collateral.

SECTION 11. Section 75-67-621, Mississippi Code of 1972, is reenacted as follows:

75-67-621. (1) A licensee shall provide each prospective account holder, before consummation of a credit availability transaction, a written explanation of the fees, and charges to be charged by the licensee and the due dates for all payments. The style, content, and method of executing the required written explanation shall comply with federal truth-in-lending laws and shall contain a statement that the account holder may prepay the unpaid balance, in whole or in part, at any time. The commissioner may promulgate rules in accordance with this article in order to assure complete and accurate disclosure of the fees and charges to be charged by a licensee under a credit availability agreement. At a minimum, the written explanation must include:

(a) The amount of the transaction;

(b) The date the agreement was entered into;

(c) A schedule or description of the payments;

(d) The name and address of the licensed office;

(e) The name of the person primarily obligated on the agreement;

(f) The amount of the principal;

(g) The agreed rate of charge stated on a percent per year basis and the amount in dollars and cents;

(h) All other disclosures required pursuant to state and federal law.

(2) The contract for any credit availability agreement shall include, along with other state or federal law requirements, the right for an account holder to rescind the transaction within one (1) business day; provided, however, that if the account holder accepts funds from the credit availability licensee prior to the expiration of the one-day rescission period, any origination fee charged shall be nonrefundable.

(3) A licensee with a physical location in this state shall display in its consumer waiting area, and shall provide a copy to any account holder that requests it, a pamphlet prepared by the department that describes general information about the transaction and about the account holder's rights and responsibilities in the transaction, including the rates and fees charged by the licensee, the licensee's rights in event of default by the consumer, the maximum allowable account balance, and the consumer hotline telephone number to the Mississippi Department of Banking and Consumer Finance. The licensee shall add the account information and/or complaint hotline telephone number of the licensee to the pamphlet. A licensee without a physical location in this state shall make the information available on its website.

SECTION 12. Section 75-67-623, Mississippi Code of 1972, is reenacted as follows:

75-67-623. (1) The commissioner may, after notice and hearing, suspend or revoke a license if he finds that:

(a) The licensee, either knowingly, or without the exercise of due care to prevent the same, has violated any provision of this article;

(b) Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for the license, clearly would have justified the commissioner in refusing the license;

(c) The licensee has aided, abetted or conspired with an individual or person to circumvent or violate the requirement of this article;

(d) The licensee, or a legal or beneficial owner of the license, has been convicted of a crime that the commissioner finds directly relates to the duties and responsibilities of the business of offering credit availability transactions.

(2) The commissioner may conditionally license or place on probation a person whose license has been suspended or may reprimand a licensee for a violation of this article.

(3) The manner of giving notice and conducting a hearing as required by subsection (1) of this section shall be performed in accordance with procedures prescribed by the commissioner in rules

or regulations adopted under the Mississippi Administrative Procedures Law, Section 25-43-1 et seq.

(4) Any licensee may surrender any license by delivering it to the commissioner with written notice of its surrender, but that surrender shall not affect the licensee's civil or criminal liability for acts committed prior thereto.

(5) The commissioner may reinstate suspended licenses or issue new licenses to a person whose licenses have been revoked if no fact or condition then exists which clearly would have justified the commissioner in refusing originally to issue a license under this article.

(6) The appropriate local law enforcement agency shall be notified of any licensee who has his license suspended or revoked as provided by this article.

(7) The commissioner shall enforce the provisions of this section.

(8) No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any debtor.

SECTION 13. Section 75-67-625, Mississippi Code of 1972, is reenacted as follows:

75-67-625. The commissioner, or his duly authorized representative, for the purpose of discovering violations of this article and for the purpose of determining whether persons are subject to the provisions of this article, may examine persons

licensed under this article and persons reasonably suspected by the commissioner of conducting business which requires a license under this article, including all relevant books, records and papers employed by those persons in the transaction of their business, and may summon witnesses and examine them under oath concerning matters relating to the business of those persons, or such other matters as may be relevant to the discovery of violations of this article, including without limitation the conduct of business without a license as required under this article.

SECTION 14. Section 75-67-627, Mississippi Code of 1972, is reenacted as follows:

75-67-627. (1) Any person who engages in the business of offering credit availability transactions without first securing a license prescribed by this article shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or by confinement in the county jail for not more than one (1) year, or both.

(2) Any person who engages in the business of offering credit availability transactions without first securing a license prescribed by this article shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars ($25.00) for each day that the person engaged in the business without a license. All licensing fees and

penalties shall be paid into the Consumer Finance Fund of the Department of Banking and Consumer Finance.

SECTION 15. Section 75-67-629, Mississippi Code of 1972, is reenacted as follows:

75-67-629. (1) In addition to any other penalty which may be applicable, any licensee or employee who willfully violates any provision of this article, or who willfully makes a false entry in any record specifically required by this article, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed One Thousand Dollars ($1,000.00) per violation or false entry.

(2) Compliance with criminal provisions of this article shall be enforced by the appropriate law enforcement agency, which may exercise for that purpose any authority conferred upon the agency by law.

(3) When the commissioner has reasonable cause to believe that a person is violating any provision of this article, the commissioner, in addition to and without prejudice to the authority provided elsewhere in this article, may enter an order requiring the person to stop or to refrain from the violation. The commissioner may sue in any circuit court of the state having jurisdiction and venue to enjoin the person from engaging in or continuing the violation or from doing any action in furtherance of the violation. In such an action, the court may enter an order or judgment awarding a preliminary or permanent injunction.

(4) The commissioner may impose a civil penalty against any licensee adjudged by the commissioner to be in violation of the provisions of this article. The civil penalty shall not exceed Five Hundred Dollars ($500.00) per violation and shall be deposited into the Department of Banking and Consumer Finance, "Consumer Finance Fund."

(5) Any licensee convicted in the manner provided in this article shall forfeit the surety bond or deposit required in this article and the amount of the bond or deposit shall be credited to the budget of the state or local agency which directly participated in the prosecution of the licensee, for the specific purpose of increasing law enforcement resources for that specific state or local agency. The bond or deposit shall be used to augment existing state and local law enforcement budgets and not to supplant them.

SECTION 16. Section 75-67-631, Mississippi Code of 1972, is reenacted as follows:

75-67-631. The provisions of this article are severable. If any part of this article is declared invalid or unconstitutional, that declaration shall not affect the parts that remain.

SECTION 17. Section 75-67-633, Mississippi Code of 1972, is reenacted as follows:

75-67-633. (1) Municipalities of this state may enact ordinances that are in compliance with, but not more restrictive than, the provisions of this article. Any existing or future

order, ordinance or regulation that conflicts with this provision shall be null and void.

(2) Notwithstanding any existing zoning ordinance, any person or entity conducting business under a valid license issued by the department pursuant to Section 75-67-401 et seq. or Section 75-67-501 et seq., as of July 1, 2016, that elects to secure a license under this article may not be restricted from continuing operations under this article in the same location, regardless of whether the licensee elects to continue, if permitted by law, or to terminate its previous license.

SECTION 18. Section 75-67-635, Mississippi Code of 1972, is reenacted as follows:

75-67-635. The commissioner may employ the necessary full-time employees above the number of permanent full-time employees authorized for the department for fiscal year 2016 to carry out and enforce the provisions of this article. The commissioner may also expend the necessary funds to equip and provide necessary travel expenses for those employees.

SECTION 19. Section 75-67-637, Mississippi Code of 1972, is reenacted as follows:

75-67-637. (1) A licensee under this article shall have no liability for any act or practice done or omitted in conformity with (a) any rule or regulation of the commissioner, or (b) any rule, regulation, interpretation or approval of any other state or federal agency or any opinion of the Attorney General,

notwithstanding that after such act or omission has occurred the rule, regulation, interpretation, approval or opinion is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(2) A licensee under this article, acting in conformity with a written interpretation or approval by an official or employee of any state or federal agency or department, shall be presumed to have acted in accordance with applicable law, notwithstanding that after such act has occurred, the interpretation or approval is amended, rescinded, or determined by judicial or other authority to be incorrect or invalid for any reason.

SECTION 20. Section 75-67-403, Mississippi Code of 1972, is reenacted as follows:

75-67-403. The following words and phrases shall have the following meanings:

(a) "Appropriate law enforcement agency" means the sheriff of each county in which the title pledge lender maintains an office, or the police chief of the municipality or law enforcement officers of the Department of Public Safety in which the title pledge lender maintains an office.

(b) "Attorney General" means the Attorney General of the State of Mississippi.

(c) "Commissioner" means the Commissioner of Banking and Consumer Finance of the State of Mississippi, or his designee,

as the designated official for the purpose of enforcing this article.

(d) "Identification" means a government issued photographic identification.

(e) "Person" means an individual, partnership, corporation, joint venture, trust, association or other legal entity.

(f) "Pledged property" means any personal property certificate of title that is deposited with a title pledge lender in the course of the title pledge lender's business and is the subject of a title pledge agreement.

(g) "Pledgor" means the person to whom the property is titled.

(h) "Title pledge agreement" means a thirty-day written agreement whereby a title pledge lender agrees to make a loan of money to a pledgor, and the pledgor agrees to give the title pledge lender a security interest in unencumbered titled personal property owned by the pledgor. The pledgor shall agree that the title pledge lender keep possession of the certificate of title. The pledgor shall have the exclusive right to redeem the certificate of title by repaying the loan of money in full and by complying with the title pledge agreement. When the certificate of title is redeemed, the title pledge lender shall release the security interest in the titled personal property and return the personal property certificate of title to the pledgor. The title

pledge agreement shall provide that upon failure by the pledgor to redeem the certificate of title at the end of the original thirty-day agreement period, or at the end of any extension(s) thereof, the title pledge lender shall be allowed to take possession of the titled personal property. The title pledge agreement shall contain a power of attorney which authorizes the title pledge lender to transfer title to the pledged property from the pledgor to the title pledge lender upon failure to redeem the pledged property on or before the maturity date of the title pledge agreement, or any extension thereof. The title pledge lender shall take physical possession of the certificate of title for the entire length of the title pledge agreement, but shall not be required to take physical possession of the titled personal property at any time. A title pledge lender may only take unencumbered certificates of title for pledge, but may encumber the title as part of the title pledge transaction by perfecting its security interest in the titled property.

(i) "Title pledge lender" means any person engaged in the business of making title pledge agreements with pledgors; provided, however, that the following are exempt from the definition of "title pledge lender" and from the provisions of this article: any bank which is regulated by the Department of Banking and Consumer Finance, the Comptroller of the Currency of the United States, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System or any other

federal or state authority and all affiliates of such bank, and additionally any bank or savings and loan association whose deposits or accounts are eligible for insurance by the Bank Insurance Fund or the Savings Association Insurance Fund or other fund administered by the Federal Deposit Insurance Corporation or any successor thereto, and all affiliates of such banks and savings and loan associations, any state or federally chartered credit union and finance company subject to licensing and regulation by the Department of Banking and Consumer Finance.

(j) "Title pledge office" means the location at which, or premises in which, a title pledge lender regularly conducts business.

(k) "Title pledge service charge" means a charge for investigating the title, appraising the titled personal property to which the pledged property relates, documenting and closing the title pledge agreement transaction, making required reports to appropriate law enforcement officials, and for all of the services provided by the title pledge lender.

(l) "Title pledge transaction form" means the instrument on which a title pledge lender records title pledge agreements pursuant to this article.

(m) "Titled personal property" means any personal property the ownership of which is evidenced and delineated by a state-issued certificate of title.

(n) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

SECTION 21. Section 75-67-505, Mississippi Code of 1972, is reenacted as follows:

75-67-505. (1) (a) A person may not engage in business as a check casher or otherwise portray himself as a check casher unless the person has a valid license authorizing engagement in the business. Any transaction that would be subject to this article that is made by a person who does not have a valid license under this article shall be null and void. A separate license is required for each place of business under this article and each business must be independent of, and not a part of, any other business operation. A check cashing business shall not be a part of, or located at the same business address with, a pawnshop, title pledge office and small loan company.

(b) A check cashing business shall (i) have a definitive United States postal address and E911 address; (ii) comply with local zoning requirements; (iii) have a minimum of one hundred (100) square feet with walls from floor to ceiling separating the operation from any other businesses; (iv) have an outside entrance, but may be located in an area that has a common

lobby shared by other businesses as long as the customers do not enter the check cashing business through another business; (v) have proper signage; and (vi) maintain separate books and records. Any licensee who does not cash any delayed deposit checks as authorized under Section 75-67-519 shall not be subject to the requirements of subparagraphs (i), (iii) and (iv) of this paragraph.

(c) A licensed check casher may sell, at the same location as his check cashing business, the following items and services: money orders; income tax preparation service; copy service; wire transfer service; notary service; pagers; pager service; prepaid cellular service; debit card; prepaid telephone cards; prepaid telephone service; and operate a processing center where utility bills, credit card payments and other payments are collected from the general public and governmental and private payments are distributed. In the event a licensee accepts wire transfers in the form of a direct deposit of a payroll check or other similar types of deposit, the licensee shall not encumber any transferred funds against a deferred deposit agreement or any delinquent deferred deposit agreement with such customer. The commissioner may authorize additional functions in addition to those provided in this subsection that may be performed as part of a check cashing business, but shall authorize the offering of credit availability transactions as provided in Sections 75-67-601 through 75-67-637.

(d) The commissioner may issue more than one (1) license to a person if that person complies with this article for each license. A new license is required upon a change, directly or beneficially, in the ownership of any licensed check casher business and an application shall be made to the commissioner in accordance with this article.

(2) When a licensee wishes to move a check casher business to another location, the licensee shall give thirty (30) days' prior written notice to the commissioner who shall amend the license accordingly.

(3) Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. With each initial application for a license, the applicant shall pay the commissioner at the time of making the application a license fee of Seven Hundred Fifty Dollars ($750.00), and on or before September 1 of each year thereafter, an annual renewal fee of Four Hundred Seventy-five Dollars ($475.00). If the annual renewal fee remains unpaid twenty-nine (29) days after September 1, the license shall thereupon expire, but not before the thirtieth day of September of any year for which the annual fee has been paid. If any licensee fails to pay the annual renewal fee before the thirtieth day of September of any year for which the renewal fee is due, then the licensee shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars ($25.00) for each day that the licensee has

engaged in business after September 30. All licensing fees and penalties shall be paid into the Consumer Finance Fund of the Department of Banking and Consumer Finance.

(4) Notwithstanding other provisions of this article, the commissioner may issue a temporary license authorizing the operator of a check casher business on the receipt of an application for a license involving principals and owners that are substantially identical to those of an existing licensed check casher. The temporary license is effective until the permanent license is issued or denied.

SECTION 22. Section 75-67-639, Mississippi Code of 1972, is amended as follows:

75-67-639. Sections 75-67-601 through 75-67-639 * * * shall stand repealed on July 1, * * * 2026.

SECTION 23. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1123

Description: Early Learning Collaborative Act of 2013; revise funding and specify teaching standards.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Education; Appropriations
2	01/28	(H) DR - TSDP: ED To AP
3	02/02	(H) DR - TSDP: AP To ED
4	02/02	(H) Title Suff Do Pass
5	02/10	(H) Passed {Vote}
6	02/11	(H) Transmitted To Senate
7	02/16	(S) Referred To Education; Appropriations
8	03/02	(S) DR - TSDPAA: ED To AP
9	03/02	(S) Title Suff Do Pass As Amended
10	03/10	(S) Amended
11	03/10	(S) Passed As Amended {Vote}
12	03/11	(S) Returned For Concurrence
13	03/18	(H) Concurred in Amend From Senate {Vote}
14	03/22	(H) Enrolled Bill Signed
15	03/22	(S) Enrolled Bill Signed
16	03/29	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1123

Code Section: A 037-0021-0051

----- Additional Information -----

House Committee: Education, Appropriations
Senate Committee: Education, Appropriations

Principal Author: McCarty
Additional Authors: Bennett, Deweese, Felsher, Ford (73rd), McGee, Yates, McLean, Summers, Gibbs (72nd), Hudson, Anthony, Stamps

2021 GENERAL LAWS OF MISSISSIPPI HB 1123

Title: AN ACT TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972, TO PRESCRIBE STANDARDS AND BENCHMARKS UNDER THE EARLY LEARNING COLLABORATIVE ACT; TO AUTHORIZE TECHNICAL TEACHER AND TEACHER ASSISTANT SUPPORT SERVICES; TO REQUIRE INDIVIDUALIZED PROFESSIONAL DEVELOPMENT PLANS AND APPROVED CURRICULUM; TO REQUIRE THE DEPARTMENT OF EDUCATION TO PROVIDE THE GOVERNOR AND THE LEGISLATURE WITH AN EVALUATION OF PROGRAM EFFECTIVENESS; TO REQUIRE THE PEER COMMITTEE TO REVIEW THE DEPARTMENT OF EDUCATION'S EVALUATIONS AND ANNUAL REPORTS AND SUBMIT A SUMMARY OF ITS FINDINGS TO THE LEGISLATURE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives McCarty, Bennett, Deweese, Felsher, Ford (73rd), McGee, Yates, McLean, Summers, Gibbs (72nd), Hudson, Anthony, Stamps

To: Education; Appropriations

HOUSE BILL NO. 1123
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972, TO PRESCRIBE STANDARDS AND BENCHMARKS UNDER THE EARLY LEARNING COLLABORATIVE ACT; TO AUTHORIZE TECHNICAL TEACHER AND TEACHER ASSISTANT SUPPORT SERVICES; TO REQUIRE INDIVIDUALIZED PROFESSIONAL DEVELOPMENT PLANS AND APPROVED CURRICULUM; TO REQUIRE THE DEPARTMENT OF EDUCATION TO PROVIDE THE GOVERNOR AND THE LEGISLATURE WITH AN EVALUATION OF PROGRAM EFFECTIVENESS; TO REQUIRE THE PEER COMMITTEE TO REVIEW THE DEPARTMENT OF EDUCATION'S EVALUATIONS AND ANNUAL REPORTS AND SUBMIT A SUMMARY OF ITS FINDINGS TO THE LEGISLATURE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-21-51, Mississippi Code of 1972, is amended as follows:

37-21-51. (1) As used in this section:

(a) "Preschool or prekindergarten children" means any children who have not entered kindergarten but will have obtained four (4) years of age on or before September 1 of a school year.

(b) An "early learning collaborative" is a district or countywide council that writes and submits an application to participate in the voluntary prekindergarten program. An early learning collaborative is comprised, at a minimum, of a public school district and/or a local Head Start affiliate if in

existence, private or parochial schools, or one or more licensed child care centers. Agencies or other organizations that work with young children and their families may also participate in the collaborative to provide resources and coordination even if those agencies or organizations are not prekindergarten providers.

(c) A "prekindergarten provider" is a public, private or parochial school, licensed child care center or Head Start center that serves prekindergarten children and participates in the voluntary prekindergarten program.

(d) A "lead partner" is a public school district or other nonprofit entity with the instructional expertise and operational capacity to manage the early learning collaborative's prekindergarten program as described in the collaborative's approved application for funds. The lead partner serves as the fiscal agent for the collaborative and shall disburse awarded funds in accordance with the collaborative's approved application. The lead partner must facilitate a professional learning community for the teachers in the prekindergarten program and lead the collaborative. The lead partner ensures that the collaborative adopts and implements curriculum and assessments that align with the comprehensive early learning standards. The public school district shall be the lead partner if no other qualifying lead partner is selected.

(e) "Comprehensive early learning standards" are standards adopted by the State Board of Education that address the

highest level of fundamental domains of early learning to include, but not be limited to, physical well-being and motor development, social/emotional development, approaches toward learning, language development and cognition and general knowledge. The comprehensive early learning standards shall also include standards for emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, and vocabulary and comprehension development.

(f) * * * An "evidence-based curriculum" is an age-appropriate curriculum that * * * demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on:

(i) Strong evidence from at least one (1) well-designed and well-implemented experimental study;

(ii) Moderate evidence from at least one (1) well-designed and well-implemented quasi-experimental study; or

(iii) Promising evidence from at least one (1) well-designed and well-implemented correlational study with statistical controls for selection bias.

(2) To ensure that all children have access to quality early childhood education and development services, the Legislature finds and declares the following:

(a) Parents have the primary duty to educate their young preschool children;

(b) The State of Mississippi can assist and educate parents in their role as the primary caregivers and educators of young preschool children;

(c) There is a need to explore innovative approaches and strategies for aiding parents and families in the education and development of young preschool children; and

(d) There exists a patchwork of prekindergarten entities but no coordination of services and there needs to be a coordination of these services.

(3) (a) This subsection shall be known and may be cited as the "Early Learning Collaborative Act of 2013."

(b) Effective with the 2013-2014 school year, the Mississippi State Department of Education shall establish a voluntary prekindergarten program, which shall be a collaboration among the entities providing prekindergarten programs including Head Start, licensed child care facilities and licensed public, parochial and private school prekindergarten programs. This program shall be implemented no later than the 2014-2015 school year. Enrollment in the prekindergarten program shall be coordinated with the Head Start agencies in the local areas and shall not be permitted to cause a reduction in children served by the Head Start program. Under this program, eligible entities may submit an application for funds to (i) defray the cost of additional and/or more qualified teaching staff, appropriate educational materials and equipment and to improve the quality of

educational experiences offered to four-year-old children in early care and education programs, and/or to (ii) extend developmentally appropriate education services at such programs currently serving four-year-old children to include practices of high quality instruction, and to (iii) administer, implement, monitor and evaluate the programs, and to (iv) defray the cost of professional development and age-appropriate child assessment.

(c) Subject to the availability of funds appropriated therefor, the State Department of Education shall administer the implementation, monitoring and evaluation of the voluntary prekindergarten program, including awards and the application process.

(i) The department shall establish a rigorous and transparent application process for the awarding of funds. Lead partners shall submit the applications on behalf of their early learning collaborative.

(ii) The department will establish monitoring policies and procedures that, at a minimum, will include at least one (1) site visit a year.

(iii) The department will provide technical assistance to collaboratives and their providers to improve the quality of prekindergarten programs. Technical assistance may include classroom-embedded support for teachers and assistant teachers.

(iv) The department will evaluate the effectiveness of each early childhood collaborative and each prekindergarten provider. If the State Department of Education adopts a statewide kindergarten screening that assesses the readiness of each student for kindergarten, the State Department of Education shall adopt a minimum rate of readiness that each prekindergarten provider must meet in order to remain eligible for prekindergarten program funds. Each parent who enrolls his or her child in the prekindergarten program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school.

(d) Prekindergarten program funds shall be awarded to early childhood collaboratives whose proposed programs meet the program criteria. The criteria shall include:

(i) Voluntary enrollment of children;

(ii) Collaboration among prekindergarten providers and other early childhood programs through the establishment of an early learning collaborative;

(iii) Qualifications of master teachers, teachers and assistants, which must conform to guidelines in Section 37-21-3;

(iv) At least fifteen (15) hours of annual professional development for program instructional staff, including professional development in early literacy, and individualized professional development plans for all teachers and

teaching assistants supplemented by classroom-embedded support on an as-needed basis;

(v) The use of state-adopted comprehensive early learning standards;

(vi) The use of a * * * curriculum * * * based on strong evidence as defined in subsection (1)(f)(i) of this section and aligned with the comprehensive early learning standards;

(vii) The use of a curriculum based on moderate evidence as defined in subsection (1)(f)(ii) of this section and aligned with the comprehensive early learning standards if no strong-evidence curriculum is available;

(viii) The use of a curriculum based on promising evidence as defined in subsection (1)(f)(iii) of this section and aligned with the comprehensive early learning standards if no strong-evidence curriculum or moderate-evidence curriculum is available;

(* * *ix) The use of age-appropriate assessments aligned to the comprehensive early learning standards;

(* * *x) Teacher/child ratios of one (1) adult for every ten (10) children with a maximum of twenty (20) children per classroom and a minimum of five (5) children per classroom;

(* * *xi) The provision of at least one (1) meal meeting state and federal nutrition guidelines for young children;

(* * *xii) Plans to screen and/or refer children for vision, hearing and other health issues;

(* * *xiii) * * * Family engagement opportunities;

(* * *xiv) Plans to serve children with disabilities as indicated under IDEA;

(* * *xv) The number of instructional hours to be provided, which shall equal no less than five hundred forty (540) instructional hours per school year for half-day programs and one thousand eighty (1,080) instructional hours per school year for full-day programs; and

(* * *xvi) A budget detailing the use of funds for allowed expenses.

Participating child care centers shall: (a) meet state child care facility licensure requirements unless exempted under Section 43-20-5, Mississippi Code of 1972, and (b) select and utilize a nationally recognized assessment tool, approved by the State Department of Education, designed to document classroom quality, which must be in place not later than July 1, 2016, as certified by the State Department of Education.

Within the prekindergarten program, a prekindergarten provider must comply with the antidiscrimination requirements applicable to public schools. A prekindergarten provider may not discriminate against a parent or child, including the refusal to admit a child for enrollment in the prekindergarten program, in violation of these antidiscrimination requirements. However, a prekindergarten provider may refuse to admit a child based on the

provider's standard eligibility guidelines, provided that these guidelines do not violate the antidiscrimination requirements. Consistent with the Legislature's recognition of the primacy of a parent's role in the education of a preschool-age child and the related recognition of the state in assisting and educating parents in that role, if the State Department of Education adopts a statewide kindergarten screening that assesses the readiness of each student for kindergarten, the State Department of Education shall recognize each child's unique pattern of development when adopting a minimum rate of readiness that prekindergarten providers must meet in order to remain eligible for prekindergarten program funds. Each parent who enrolls his or her child in the prekindergarten program may submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school.

The State Department of Education may add program criteria not inconsistent with these requirements and shall develop policies and procedures to implement and enforce these criteria.

(e) The State Department of Education shall ensure that early learning collaboratives provide each parent enrolling a child in the voluntary prekindergarten program with a profile of every prekindergarten provider participating in the collaborative's geographic catchment area. The State Department of Education shall prescribe the information to be included in each profile as well as the format of the profiles. At a minimum,

the profiles must include the prekindergarten provider's services, curriculum, instructor credentials and instructor-to-student ratio.

(f) A teacher, assistant teacher or other employee whose salary and fringe benefits are paid from state funds under this act shall only be classified as a state or local school district employee eligible for state health insurance benefits or membership in the Public Employees' Retirement System, if the person's employer is already an agency or instrumentality of the state, such as a school district, and the employee would be eligible for such benefits in the normal course of business.

(g) Funding shall be provided for this program beginning with the 2014 fiscal year subject to appropriation by the Legislature as provided in paragraph (h) of this subsection. The department shall make an annual report to the Legislature and the Governor regarding * * * program operations and outcomes. Every three (3) years, with the first report due July 1, 2023, the department shall provide to the Legislature and the Governor a rigorous evaluation of program effectiveness using longitudinal data to measure short-term and long-term effects, including both achievement and nonachievement effects. After each three-year report, the PEER Committee shall review the three-year report and the intervening annual reports and submit an independent summary of its findings prior to the next legislative session.

(h) (i) The Legislature shall appropriate funds to implement the Early Education Collaborative Act of 2013 on a phased-in basis as follows:

1. The first phase shall be based on an annual state appropriation of not more than Eight Million Dollars ($8,000,000.00) and shall serve approximately three thousand five hundred (3,500) children through five (5) to eight (8) early learning collaboratives and their prekindergarten providers;

2. The second phase shall be based on an annual state appropriation of not more than Sixteen Million Dollars ($16,000,000.00) and shall serve approximately seven thousand (7,000) children through ten (10) to fifteen (15) early learning collaboratives and their prekindergarten providers;

3. The third phase shall be based on an annual state appropriation of not more than Thirty-three Million Nine Hundred Fifty Thousand Dollars ($33,950,000.00) and shall serve approximately fifteen thousand (15,000) children through twenty (20) to twenty-five (25) early learning collaboratives and their prekindergarten providers.

(ii) Future phases shall be based on interest in the program and the effectiveness of the program as determined by the school readiness of participants. Each phase shall last for at least three (3) years but no more than five (5) years. The State Department of Education shall determine when to move to a new phase of the program, within the timeline provided herein.

(iii) Funding shall be provided to early learning collaboratives on the basis of Two Thousand One Hundred Fifty Dollars ($2,150.00) per student in a full-day program per student in a full-day program and One Thousand Seventy-five Dollars ($1,075.00) per student in a half-day program proposed in the collaborative's approved application. Once an early learning collaborative's plan is approved and funded, the collaborative and/or its prekindergarten providers shall receive funds on an ongoing basis unless the collaborative and/or its prekindergarten providers no longer meet the criteria to participate in the program.

(iv) Early learning collaboratives shall match state funds on a 1:1 basis. Local matching funds may include local tax dollars, federal dollars as allowed, parent tuition, philanthropic contributions, or in-kind donations of facilities, equipment and services required as part of the program such as food service or health screenings.

(v) The State Department of Education shall reserve no more than five percent (5%) of the appropriation in any year for administrative costs. Funds remaining after awards to early learning collaboratives and the department's administrative needs are met may be carried over in the following year. In the first year of implementation of the program, the department may delay the awarding of funds until the 2014-2015 school year should

time not be sufficient to establish the program's operation prior to the 2013-2014 school year.

(vi) In the initial phase of implementation, the State Department of Education shall award state funds under the Early Learning Collaborative Act of 2013 based on a community's capacity, commitment and need. To determine capacity, commitment and need, the State Department of Education shall require evidence of existing strong local collaborations of early education stakeholders. Such evidence shall include, but not be limited to, collaborations resulting from any of the following:

1. Participation in Excel By 5;

2. Participation in supporting Partnerships to Assure Ready Kids (SPARK);

3. Participation in the Gilmore Early Learning Initiative (GELI); or

4. Participation in the Mississippi Building Blocks.

In determining community need, the department shall consider low academic achievement within the public school districts participating in an applicant early learning collaborative and the number and percentage of children without quality prekindergarten options.

(vii) All authority granted to the State Department of Education to establish program rules is subject to the public processes established in the provisions of the

Mississippi Administrative Procedures Law, including, but not limited to, filing notice of the proposed rules, public hearings and any economic impact statement with the Office of the Secretary of State before presenting such information to the State Board of Education for final approval.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1211

Description: Administrative hearing procedures for Commission on Marine Resources; revise to authorize executive director of Department of Marine Resources to make final decisions during.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Marine Resources
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/22	(S) Referred To Ports and Marine Resources
6	03/02	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/17	(H) Concurred in Amend From Senate {Vote}
11	03/18	(H) Enrolled Bill Signed
12	03/19	(S) Enrolled Bill Signed
13	03/25	Approved by Governor

Amendments:

[S] Committee Amendment No 1Replaced by Substitute
[S] Substitute No 1 for Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1211

Code Section: A 049-0015-0401, A 049-0015-0403, A 049-0015-0405, A 049-0015-0407, A 049-0015-0409, A 049-0015-0411, A 049-0015-0413, A 049-0015-0415, A 049-0015-0323, A 049-0015-0063

----- Additional Information -----

House Committee: Marine Resources
Senate Committee: Ports and Marine Resources

Principal Author: Ladner

Title: AN ACT TO AMEND SECTION 49-15-401, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF MARINE RESOURCES SHALL ENFORCE THE RULES AND REGULATIONS, ADMINISTRATIVE CODE AND OTHER STATUTES WITHIN THE JURISDICTION OF THE DEPARTMENT OF MARINE RESOURCES; TO AMEND SECTION 49-15-403, MISSISSIPPI CODE OF 1972, TO REVISE THE ADMINISTRATIVE HEARING PROCESS FOR VIOLATIONS WITHIN THE JURISDICTION OF THE DEPARTMENT OF MARINE RESOURCES AND TO CLARIFY THE AUTHORITY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT; TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL MAKE THE FINAL DECISION REGARDING THE PENALTY, IF ANY, TO BE ISSUED; TO AMEND SECTION 49-15-405, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A FORMAL HEARING CONCLUDED BY A REPRESENTATIVE OF THE ATTORNEY GENERAL; TO AMEND SECTION 49-15-407, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN ALLEGED VIOLATOR'S FAILURE TO PRESENT EVIDENCE SHALL CONSTITUTE A WAIVER OF THE RIGHT TO A HEARING; TO AMEND SECTION 49-15-409, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF MARINE RESOURCES SHALL HAVE JURISDICTION OVER ALL PERSONS AND PROPERTY NECESSARY TO ADMINISTER AND ENFORCE THE ADMINISTRATIVE HEARING PROCEDURES FOR THE DEPARTMENT; TO AMEND SECTION 49-15-411, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF MARINE RESOURCES SHALL BE ENTITLED TO JUDICIAL REVIEW; TO AMEND SECTIONS 49-15-413, 49-15-415, 49-15-323 AND 49-15-63, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1211

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Ladner To: Marine Resources

HOUSE BILL NO. 1211
(As Sent to Governor)

AN ACT TO AMEND SECTION 49-15-401, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF MARINE RESOURCES SHALL ENFORCE THE RULES AND REGULATIONS, ADMINISTRATIVE CODE AND OTHER STATUTES WITHIN THE JURISDICTION OF THE DEPARTMENT OF MARINE RESOURCES; TO AMEND SECTION 49-15-403, MISSISSIPPI CODE OF 1972, TO REVISE THE ADMINISTRATIVE HEARING PROCESS FOR VIOLATIONS WITHIN THE JURISDICTION OF THE DEPARTMENT OF MARINE RESOURCES AND TO CLARIFY THE AUTHORITY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT; TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL MAKE THE FINAL DECISION REGARDING THE PENALTY, IF ANY, TO BE ISSUED; TO AMEND SECTION 49-15-405, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A FORMAL HEARING CONCLUDED BY A REPRESENTATIVE OF THE ATTORNEY GENERAL; TO AMEND SECTION 49-15-407, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN ALLEGED VIOLATOR'S FAILURE TO PRESENT EVIDENCE SHALL CONSTITUTE A WAIVER OF THE RIGHT TO A HEARING; TO AMEND SECTION 49-15-409, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF MARINE RESOURCES SHALL HAVE JURISDICTION OVER ALL PERSONS AND PROPERTY NECESSARY TO ADMINISTER AND ENFORCE THE ADMINISTRATIVE HEARING PROCEDURES FOR THE DEPARTMENT; TO AMEND SECTION 49-15-411, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF MARINE RESOURCES SHALL BE ENTITLED TO JUDICIAL REVIEW; TO AMEND SECTIONS 49-15-413, 49-15-415, 49-15-323 AND 49-15-63, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-15-401, Mississippi Code of 1972, is amended as follows:

49-15-401. It is the purpose of this article to establish an administrative hearing procedure for the * * * Mississippi Department of Marine Resources to enforce the rules and regulations * * * set forth in Title 22 Administrative Code and Sections 49-15-1 through 49-15-321, 49-27-1 through 49-27-71, 59-21-111, and such other statutes within the jurisdiction of the * * * Department of Marine Resources. Unless specifically authorized, the * * * department shall not seek both administrative and criminal penalties against violators of the statutes referred to herein for the same offense, except as provided in Section 49-15-63. * * *

SECTION 2. Section 49-15-403, Mississippi Code of 1972, is amended as follows:

49-15-403. (1) When any allegation or charge in the form of a complaint has been made against a person for * * * violations pursuant to the authorities outlined in Section 49-15-401 and such matter has been brought before the * * * department for administrative penalty processing, the * * * department shall:

(a) Cause the complaint to be in writing * * *, signed by the person and/or office making the charge and include the recommended fine;

(b) * * * Ensure that the complaint is filed * * * with the executive director;

(c) Cause the * * * executive director of the department, or his designee, to review the complaint; and

(d) Send or deliver a copy of the complaint and any supporting documents to the alleged violator along with a request for the alleged violator to respond to the allegations within thirty (30) days. The notification shall be accomplished by any of the methods provided for by the Mississippi Rules of Civil Procedure. Citations issued at the time of the alleged violation by marine enforcement officers shall constitute sufficient notice.

(2) Upon receipt of the response and any supporting documents from the alleged violator, the executive director, or his designee, shall review all information on file to determine the merit of the complaint. If the executive director, or his designee, determines that the complaint lacks merit, the executive director may * * * dismiss the complaint.

(3) If the executive director, or his designee, determines that there are reasonable grounds to indicate that a violation has occurred or if the alleged violator admits to the truth of the allegations upon which the complaint is based, the executive director may * * * impose a fine not to exceed Ten Thousand Dollars ($10,000.00) for each violation. The executive director shall send a copy of the * * * recommended fine to the alleged violator * * *.

(4) * * * The alleged violator shall have fifteen (15) days from receipt of the * * * finding and recommended fine of the executive director within which to file * * * a written request for an informal settlement conference with the executive director,

or his designee. If the alleged violator requests a conference, the executive director, or his designee, shall meet with the alleged violator to discuss the proposed penalty and the possibility of an agreed settlement. The alleged violator may present evidence and written or oral comments at the executive director's conference. The alleged violator may be represented by legal counsel, at his or her own expense. If, in the judgment of the executive director, or his designee, a reasonable settlement is reached, the recommended penalty shall be revised accordingly. The executive director shall make the final decision regarding the penalty to be issued, which may include dismissal of the complaint, issuance of a warning in lieu of a penalty or a monetary penalty not to exceed Ten Thousand Dollars ($10,000.00) for each violation. If a request for information settlement is not received within the timeframe provided, the executive director's recommended fine will be the final decision.

* * *

SECTION 3. Section 49-15-405, Mississippi Code of 1972, is amended as follows:

49-15-405. (1) * * * If the alleged violator requests a formal hearing within thirty (30) days from the receipt of the finding and recommended fine, or within fifteen (15) days from the receipt of the executive director's decision following the information settlement, the executive director shall designate a representative of the Attorney General's office to preside over

the hearing and render a finding and recommendation as provided in this section.

* * *

(* * *2) A duly qualified court reporter shall be in attendance and shall make a full and complete transcript of the proceedings. The hearing shall be closed unless the alleged violator requests a public hearing. The * * * hearing officer shall have the right and duty to impose reasonable restrictions as * * * he may deem necessary or appropriate to ensure an orderly, expeditious and impartial proceedings, and shall admit all relevant and material evidence except evidence which is unduly repetitious. Hearsay shall be admissible to the extent permitted by the * * * hearing officer.

(* * *3) For purposes of such hearing, the * * * hearing officer is hereby empowered to require the attendance of witnesses, administer oaths and hear testimony, either oral or documentary, for and against the alleged violator. The * * * hearing officer shall have the authority to issue subpoenas to compel the attendance of witnesses and the production of books, papers, records or other documentary evidence at a hearing. Subpoenas to be issued shall be delivered to the sheriff of the county where they are to be executed and the sheriff shall serve them. In case of the failure of any person to comply with any subpoena issued by the * * * hearing officer, the * * * hearing officer may invoke the aid of any court of general jurisdiction of

this state. The court may thereupon order such person to comply with the requirements of the subpoena. Failure to comply with the order of the court may be treated as contempt thereof.

(* * *4) At the conclusion of the hearing, the * * * hearing officer shall issue a written * * * recommendation incorporating * * * his findings of facts and conclusions of law regarding whether a violation has occurred and * * * the appropriate penalty, if any, that * * * he may assess not to exceed Ten Thousand Dollars ($10,000.00) per violation. * * *

(5) The hearing officer's recommendation shall then be forwarded to the executive director who will make the final decision regarding whether a violation has occurred and the appropriate penalty, if any.

(6) The executive director's final decision shall be delivered to the alleged violator.

SECTION 4. Section 49-15-407, Mississippi Code of 1972, is amended as follows:

49-15-407. Failure of the alleged violator to request an informal settlement conference * * *, a hearing, or to respond to the complaint within thirty (30) days shall constitute a waiver of the right to a hearing, and any penalties assessed by the * * * executive director shall be due and payable as provided in Section 49-15-415.

SECTION 5. Section 49-15-409, Mississippi Code of 1972, is amended as follows:

49-15-409. The * * * department shall have jurisdiction over all persons and property necessary to administer and enforce the provisions of this article and the * * * authorities outlined in Section 49-15-401. The * * * department may adopt rules and regulations to implement the provisions of this article.

SECTION 6. Section 49-15-411, Mississippi Code of 1972, is amended as follows:

49-15-411. (1) Any individual aggrieved by a final decision of the * * * executive director shall be entitled to judicial review.

(2) Any appeal from the * * * executive director's decision shall be filed in the Chancery Court of the Second Judicial District of Harrison County, Mississippi, on the record made, including a verbatim transcript of the testimony at the hearing held before the * * * hearing officer. The appeal shall be filed within thirty (30) days after notification of the final decision of the * * * executive director is mailed or served, and the proceedings in chancery court shall be conducted as other matters coming before the court on appeal. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all estimated costs, including the cost of preparation of the record of the proceedings before the * * * executive director, and the filing of a bond in the sum of Five Hundred Dollars ($500.00) conditioned that if the * * * executive director's final decision

be affirmed by the chancery court, the aggrieved party shall pay the costs of the appeal to the chancery court.

(3) The scope of review of the chancery court in such cases shall be limited to a review of the record made before the * * * executive director's final decision to determine if the * * * decision is unlawful for the reason that it was:

(a) Not supported by any substantial evidence;

(b) Arbitrary or capricious; or

(c) In violation of some statutory or constitutional right of the individual.

(4) No relief shall be granted based upon the court's finding of harmless error by the * * * executive director in complying with the procedural requirements of this article. If there is a finding of prejudicial error in the proceedings, the cause may be remanded for a rehearing consistent with the findings of the court.

(5) Any party aggrieved by action of the chancery court may appeal to the State Supreme Court in the manner provided by law.

SECTION 7. Section 49-15-413, Mississippi Code of 1972, is amended as follows:

49-15-413. Each violation of the rules and regulations * * * set forth in Title 22 of the Administrative Code or violations of the statutes set forth in Chapters 15 and 27 of Title 49, and Chapter 21 of Title 59, Mississippi Code of 1972, shall be subject

to the imposition of a civil penalty up to Ten Thousand Dollars ($10,000.00).

SECTION 8. Section 49-15-415, Mississippi Code of 1972, is amended as follows:

49-15-415. (1) Any penalty assessed by the * * * department shall be due and payable within forty-five (45) days of the notification of the decision. All sums of money collected as a result of criminal or civil penalties levied under this article shall be paid into the Seafood Fund created and described in Section 49-15-17.

(2) If the judgment is not paid within the forty-five (45) days, or within such additional time as the * * * department may allow, the * * * department may file suit in the chancery court of the county where the defendant resides or in the case of a nonresident defendant in the Chancery Court of the Second Judicial District of Harrison County or any other court with appropriate jurisdiction to enforce the decision of the * * * executive director and recover reasonable attorney's fees and all court costs.

(3) A copy of the notification sent by the * * * department to the violator shall be sufficient proof as to the judgment of the * * * department.

SECTION 9. Section 49-15-323, Mississippi Code of 1972, is amended as follows:

49-15-323. If any violation of any marine resources law or regulation is alleged to have been committed in the Gulf of Mexico outside of the state's territorial waters where the state has jurisdiction over the recreational or commercial fishing vessel, under the Magnuson-Stevens Fishery Conservation and Management Act, 16 USCS Section 1856, or any other provision of federal law, the * * * Department of Marine Resources shall have jurisdiction of the offense and may commence administrative enforcement action against alleged violators in accordance with the administrative procedures provisions of Section 49-15-401 et seq., Mississippi Code of 1972.

SECTION 10. Section 49-15-63, Mississippi Code of 1972, is amended as follows:

49-15-63. (1) (a) Any person, firm or corporation violating any of the provisions of this chapter or any ordinance duly adopted by the * * * department, unless otherwise specifically provided for herein, shall, on conviction, be fined not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00), for the first offense, unless the first offense is committed during a closed season, in which case the fine shall be not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1,000.00); and not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1,000.00), for the second offense when such offense is committed within a period of three (3) years from the first offense; and not

less than Two Thousand Dollars ($2,000.00) nor more than Four Thousand Dollars ($4,000.00), or imprisonment in the county jail for a period not exceeding thirty (30) days for any third or subsequent offense when such offense is committed within a period of three (3) years from the first offense.

(b) In addition, upon conviction of such third or subsequent offense, it shall be the duty of the court to revoke the license of the convicted party and of the boat or vessel used in such offense, and no further license shall be issued to such person and for said boat to engage in catching or taking of any seafoods from the waters of the State of Mississippi for a period of one (1) year following such conviction. Forfeiture of any equipment or nets used in a second or subsequent offense may be instituted pursuant to Sections 49-15-201 through 49-15-207. If the person in possession of or using the nets in the violation is not the owner or licensee of the nets, the department shall notify the owner or licensee of the nets. The nets shall be subject to forfeiture unless the nets were stolen and prosecution for the theft is initiated. Equipment as used in this section shall not mean boats or vessels.

(c) Any person convicted and sentenced under this section for a second or subsequent offense shall not be considered for reduction of sentence.

(d) Except as provided under subsection (5) of Section 49-15-45, any fines collected under this section shall be paid into the Seafood Fund.

(e) In addition to any other penalties, the * * * department may suspend the license of any person convicted of a violation of this chapter and may suspend the license of any vessel used in the violation for a period not to exceed five (5) days for the first offense. For a second offense, the * * * department may suspend the license of such person and vessel for a period not to exceed thirty (30) days.

(f) Upon conviction of five (5) seafood violations within a five-year period, the * * * department may revoke the license of the convicted party and the boat or vessel used in the offenses, and may prohibit indefinitely the issuance of a license to the person and boat or vessel to engage in catching or taking of any seafood from the waters of the State of Mississippi. The * * * department shall exercise this authority in accordance with the administrative procedures in Section 49-15-401 et seq.

(2) For any violation of this chapter, the individual registered as the captain shall be subject to the penalties provided in this chapter, if that individual is aboard the vessel. If that individual is not aboard the vessel, the individual designated as the alternate captain under Section 49-15-46 or substitute captain under Section 49-15-64.5 shall be subject to the penalties provided in this chapter. If no individual is

designated under Section 49-15-46 or Section 49-15-64.5, the person, firm or corporation owning the vessel shall be subject to the penalties provided for boat captains.

(3) All citations issued to boat operators for not possessing the boat's registration card shall be dismissed, along with all related court costs, upon the presentment of the boat's proper registration card to the court or magistrate holding the trial or hearing.

SECTION 11. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1263

Description: Occupational licensing; provide for recognition of out-of-state licenses if applicants satisfy certain conditions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Workforce Development
2	01/28	(H) Title Suff Do Pass
3	02/03	(H) Amended
4	02/03	(H) Passed As Amended {Vote}
5	02/04	(H) Transmitted To Senate
6	02/18	(S) Referred To Accountability, Efficiency, Transparency
7	03/01	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/16	(H) Concurred in Amend From Senate {Vote}
12	03/18	(H) Enrolled Bill Signed
13	03/19	(S) Enrolled Bill Signed
14	03/25	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2Lost Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1263

Code Section: A 037-0003-0002, A 073-0001-0021, A 073-0002-0011, A 073-0004-0023, A 073-0005-0021, A 073-0006-0013, A 073-0007-0023, A 073-0009-0024, A 073-0010-0015, A 073-0011-0051, A 073-0013-0035, A 073-0014-0025, A 073-0015-0019, A 073-0015-0021, A 073-0017-0011, A 073-0019-0025, A 073-0021-0087, A 073-0023-0051, A 073-0023-0053, A 073-0024-0021, A 073-0025-0021, A 073-0027-0005, A 073-0029-0019, A 073-0030-0015, A 073-0031-0014, A 073-0031-0015, A 073-0033-0009, A 073-0034-0051, A 073-0035-0007, A 073-0035-0013, A 073-0036-0031, A 073-0038-

0023, A 073-0039-0071, A 073-0053-0013, A 073-0054-0023, A 073-0060-0025, A 073-0063-0039, A 073-0065-0007, A 073-0067-0025, A 073-0069-0011, A 073-0071-0021, A 073-0073-0011, A 073-0075-0015

----- Additional Information -----

House Committee: Workforce Development
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Currie
Additional Authors: Owen, Brown (20th), Hopkins, Brown (70th)

Title: AN ACT TO CREATE SECTION 73-50-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MISSISSIPPI OCCUPATIONAL LICENSING BOARDS SHALL ISSUE A LICENSE TO AN APPLICANT WHO ESTABLISHES RESIDENCE IN THIS STATE IF THE APPLICANT HOLDS A CURRENT LICENSE IN GOOD STANDING FROM ANOTHER STATE, HAS BEEN LICENSED BY THE OTHER STATE FOR AT LEAST ONE YEAR AND SATISFIES CERTAIN OTHER CONDITIONS; TO PROVIDE THAT THE LICENSE ISSUED TO THE APPLICANT WILL BE IN THE DISCIPLINE APPLIED FOR AND AT THE SAME PRACTICE LEVEL AS DETERMINED BY THE OCCUPATIONAL LICENSING BOARD; TO AMEND SECTIONS 37-3-2, 73-1-21, 73-2-11, 73-4-23, 73-5-21, 73-6-13, 73-7-23, 73-9-24, 73-10-15, 73-11-51, 73-13-35, 73-14-25, 73-15-19, 73-15-21, 73-17-11, 73-19-25, 73-21-87, 73-23-51, 73-23-53, 73-24-21, 73-25-21, 73-27-5, 73-29-19, 73-30-15, 73-31-14, 73-31-15, 73-33-9, 73-34-51, 73-35-7, 73-35-13, 73-36-31, 73-38-23, 73-39-71, 73-53-13, 73-54-23, 73-60-25, 73-63-39, 73-65-7, 73-67-25, 73-69-11, 73-71-21, 73-73-11 AND 73-75-15, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Currie, Owen, Brown (20th), Hopkins, Brown (70th)

To: Workforce Development

HOUSE BILL NO. 1263
(As Sent to Governor)

AN ACT TO CREATE SECTION 73-50-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MISSISSIPPI OCCUPATIONAL LICENSING BOARDS SHALL ISSUE A LICENSE TO AN APPLICANT WHO ESTABLISHES RESIDENCE IN THIS STATE IF THE APPLICANT HOLDS A CURRENT LICENSE IN GOOD STANDING FROM ANOTHER STATE, HAS BEEN LICENSED BY THE OTHER STATE FOR AT LEAST ONE YEAR AND SATISFIES CERTAIN OTHER CONDITIONS; TO PROVIDE THAT THE LICENSE ISSUED TO THE APPLICANT WILL BE IN THE DISCIPLINE APPLIED FOR AND AT THE SAME PRACTICE LEVEL AS DETERMINED BY THE OCCUPATIONAL LICENSING BOARD; TO AMEND SECTIONS 37-3-2, 73-1-21, 73-2-11, 73-4-23, 73-5-21, 73-6-13, 73-7-23, 73-9-24, 73-10-15, 73-11-51, 73-13-35, 73-14-25, 73-15-19, 73-15-21, 73-17-11, 73-19-25, 73-21-87, 73-23-51, 73-23-53, 73-24-21, 73-25-21, 73-27-5, 73-29-19, 73-30-15, 73-31-14, 73-31-15, 73-33-9, 73-34-51, 73-35-7, 73-35-13, 73-36-31, 73-38-23, 73-39-71, 73-53-13, 73-54-23, 73-60-25, 73-63-39, 73-65-7, 73-67-25, 73-69-11, 73-71-21, 73-73-11 AND 73-75-15, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 73-50-2, Mississippi Code of 1972:

73-50-2. (1) This section shall be known as the "Universal Recognition of Occupational Licenses Act."

(2) As used in this section, the term:

(a) "License" means any license (other than a privilege license), certificate, registration, permit or other evidence of

qualification that an individual is required by the state to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) "Occupational licensing board" means any state board, commission, department or other agency in Mississippi that is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license or government certification in the discipline applied for and at the same practice level to a person who establishes residence in this state if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi, and has held this license from the occupational licensing board in the other state for at least one (1) year; and

(b) There were minimum education requirements and, if applicable, work experience, examination and clinical supervision

requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and

(c) The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law; and

(d) The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

(e) The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the occupational licensing board in Mississippi; and

(f) The applicant pays all applicable fees in Mississippi.

(4) Notwithstanding any other law, the occupational licensing board shall issue a license to an applicant in the discipline applied for and at the same practice level, as determined by the occupational licensing board, to a person who establishes residence in this state based on work experience in another state, if all the following apply:

(a) The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the occupational licensing board;

(b) The applicant worked for at least three (3) years in the lawful occupation; and

(c) The applicant satisfies the provisions of paragraphs (c) through (f) of subsection (3) of this section.

(5) An occupational licensing board may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate the occupation if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate the occupation.

(6) For purposes of this act, residence may be established by demonstrating proof of a state-issued identification card or one (1) of the following:

(a) Current Mississippi residential utility bill with the applicant's name and address;

(b) Documentation of the applicant's current ownership, or current lease of a residence in Mississippi;

(c) Documentation of current in-state employment or notarized letter of promise of employment of the applicant or his or her spouse; or

(d) Any verifiable documentation demonstrating Mississippi residency.

(7) A person who receives a license under this section is subject to the laws regulating the person's practice in this state and is subject to the occupational licensing board's jurisdiction.

(8) A license issued under this section is valid only in this state and does not make the person eligible to be part of an interstate compact.

(9) The occupational licensing board shall issue or deny the license to the applicant within one hundred twenty (120) days after receiving an application.

If the application requires longer than two (2) weeks to process, the occupational licensing board shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of subsection (3) or subsection (4) and pays all applicable fees as required by subsection (3)(f) or subsection (4)(f).

The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the occupational licensing board. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in subsections (3) through (5), as applicable.

(10) (a) The applicant may appeal any of the following decisions of an occupational licensing board to a court of general jurisdiction:

(i) Denial of a license;

(ii) Determination of the occupation;

(iii) Determination of the similarity of the scope of practice of the license issued; or

(iv) Other determinations under this section.

(b) The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by an occupational licensing board, without regard to any previous determination that may have been made on the question in any action before the occupational licensing board.

(11) An occupational licensing board shall prominently print the following on all license applications, any communication denying a license, and on the board's website: "Pursuant to the provisions of the Universal Recognition of Occupational Licenses

Act, Mississippi shall recognize occupational licenses obtained from other states." An occupational licensing board shall prepare and place on the board's website an annual report detailing the number of applications submitted to the licensing board under this section during a calendar year and the actions taken by the board on the applications.

(12) An occupational licensing board shall adopt rules necessary to implement this section by January 1, 2022. In addition, an occupational licensing board shall make all reasonable efforts to issue a license to an applicant for a license under this section.

(13) Nothing in this section shall be construed to prohibit an applicant for licensure from proceeding under the existing licensure requirements established by an occupational licensing board in Mississippi.

(14) Nothing in this chapter shall be construed to prevent Mississippi from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country. A license issued under this section is valid only in Mississippi. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in Mississippi law.

(15) Nothing in this section shall be construed to apply to:

(a) The practice of law as regulated under Section 73-3-1 et seq.;

(b) Criteria for an applicant to obtain a license that is established under an interstate compact;

(c) The ability of an occupational licensing board to require an applicant to submit fingerprints in order to access state and federal criminal records information for noncriminal justice purposes;

(d) The practice of medicine by physicians as regulated under Section 73-25-1 et seq.;

(e) The provisions of the Military Family Freedom Act, Section 73-50-1; or

(f) An occupation regulated under Section 73-1-1 et seq. to the extent there is a conflict with a law granting licensure reciprocity under Section 73-1-1 et seq.

SECTION 2. Section 37-3-2, Mississippi Code of 1972, is amended as follows:

37-3-2. (1) There is established within the State Department of Education the Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2) (a) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be

composed of the following members to be appointed, three (3) from each of the four (4) congressional districts, as such districts existed on January 1, 2011, in accordance with the population calculations determined by the 2010 federal decennial census, including: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of public institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. Three (3) members of the commission, at the sole discretion of the State Board of Education, shall be appointed from the state at large.

(b) All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the commission shall be compensated at a rate of per diem as authorized by Section 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(4) (a) An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as executive secretary and coordinator for the commission. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the commission.

(b) An Office of Educator Misconduct Evaluations shall be established within the State Department of Education to assist the commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of subsections (11), (12), (13), (14) and (15) of this section, and violations of the Mississippi Educator Code of Ethics.

(5) It shall be the duty of the commission to:

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in

the state, subject to a process and schedule determined by the State Board of Education;

(c) Establish, subject to the approval of the State Board of Education, standards for initial teacher certification and licensure in all fields;

(d) Establish, subject to the approval of the State Board of Education, standards for the renewal of teacher licenses in all fields;

(e) Review and evaluate objective measures of teacher performance, such as test scores, which may form part of the licensure process, and to make recommendations for their use;

(f) Review all existing requirements for certification and licensure;

(g) Consult with groups whose work may be affected by the commission's decisions;

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;

(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

(j) Hire expert consultants with approval of the State Board of Education;

(k) Set up ad hoc committees to advise on specific areas; and

(l) Perform such other functions as may fall within their general charge and which may be delegated to them by the State Board of Education.

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a bachelor of science degree with child development emphasis from a program accredited by the American

Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a bachelor of science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS). Effective July 1, 2016, for initial elementary education licensure, a teacher candidate must earn a passing score on a rigorous test of scientifically research-based reading instruction

and intervention and data-based decision-making principles as approved by the State Board of Education;

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations;

(iv) Any other document required by the State Board of Education; and

(v) From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi who did not meet the following criteria for entrance into an approved teacher education program:

1. An ACT Score of twenty-one (21) (or SAT equivalent); or

2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

(b) **Standard License - Nontraditional Teaching Route.** From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:

(i) An ACT Score of twenty-one (21) (or SAT equivalent); or

(ii) Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

(iii) A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

Beginning July 1, 2020, an individual who has attained a passing score on the Praxis Core Academic Skills for Educators or an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program and a passing score on the Praxis Subject Assessment in the requested area of endorsement may apply for admission to the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

(i) The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test

results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

(ii) The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

(iii) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the person completes a nontraditional teacher preparation internship program.

(iv) During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

(v) An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and induction program administered by the employing school district with the assistance of the State Department of Education.

(vi) Upon successful completion of the TMI and the internship provisional license period, applicants for a Standard License - Nontraditional Route shall submit to the commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for

standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

(vii) At the discretion of the teacher preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

(viii) The local school district in which the nontraditional teacher intern or provisional licensee is employed shall compensate such teacher interns at Step 1 of the required salary level during the period of time such individual is completing teacher internship requirements and shall compensate such Standard License - Nontraditional Route teachers at Step 3 of the required salary level when they complete license requirements.

Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

A Standard License - Approved Program Route shall be issued for a five-year period, and may be renewed. Recognizing teaching as a profession, a hiring preference shall be granted to persons holding a Standard License - Approved Program Route or Standard License - Nontraditional Teaching Route over persons holding any other license.

(c) **Special License - Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a one-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person may begin teaching upon his employment by the local school board and licensure by the Mississippi Department of Education. The board shall adopt rules and regulations to administer the expert citizen-teacher license. A Special License - Expert Citizen may be renewed in accordance with the established rules and regulations of the State Department of Education.

(d) **Special License - Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in paragraph (a), (b), or (c) of this subsection (6) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.** Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher

education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers**. Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act,

must be granted a standard five-year license by the State Department of Education.

(7) **Administrator License.** The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of administrator licensure with exceptions only through special approval of the State Board of Education.

(a) **Administrator License - Nonpracticing.** Those educators holding administrative endorsement but having no administrative experience or not serving in an administrative position on January 15, 1997.

(b) **Administrator License - Entry Level.** Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a Mississippi school district. Administrator License - Entry Level shall be issued for a five-year period and shall be nonrenewable.

(c) **Standard Administrator License - Career Level.** An administrator who has met all the requirements of the department for standard administrator licensure.

(d) **Administrator License - Nontraditional Route.** The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a

master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

Individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.** (a) The department shall grant a standard license to any individual who possesses a valid standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State Board of Education. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(b) The department shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state. Such

special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree.

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members, or by a hearing officer retained and appointed by the commission, for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be

by sworn affidavit filed with the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission, its subcommittee or hearing officer, shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the commission, its subcommittee or hearing officer. An appeal to the State Board of Education shall be perfected upon filing a notice of the appeal and by the prepayment of the costs of the preparation of the record of proceedings by the commission, its subcommittee or hearing officer. An appeal shall be on the record previously made before the commission, its subcommittee or hearing officer, unless otherwise provided by rules and regulations adopted by the board. The decision of the commission, its subcommittee or hearing officer shall not be disturbed on appeal if supported by substantial evidence, was not arbitrary or capricious, within the authority of the commission, and did not violate some statutory or constitutional right. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the commission, its subcommittee or hearing officer. The decision of the State Board of Education shall be final.

(11) (a) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:

(i) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;

(ii) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

(iii) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effect, at the time of application for a license;

(iv) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(v) Failing or refusing to furnish reasonable evidence of identification;

(vi) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this subparagraph (vi) of this paragraph (a), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(vii) The applicant or licensee is on probation or post-release supervision for a felony or conviction, as defined by federal or state law. However, this disqualification expires upon the end of the probationary or post-release supervision period.

(b) The State Board of Education, acting through the commission, shall deny an application for any teacher or administrator license, or immediately revoke the current teacher or administrator license, for one or more of the following:

(i) If the applicant or licensee has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For purposes of this subparagraph (i) of this paragraph (b), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(ii) The applicant or licensee is on probation or post-release supervision for a sex offense conviction, as defined by federal or state law;

(iii) The license holder has fondled a student as described in Section 97-5-23, or had any type of sexual involvement with a student as described in Section 97-3-95; or

(iv) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

(12) The State Board of Education, acting through the commission, may revoke, suspend or refuse to renew any teacher or administrator license for specified periods of time or may place on probation, reprimand a licensee, or take other disciplinary action with regard to any license issued under this chapter for one or more of the following:

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this paragraph, a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(e) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);

(f) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;

(g) The license holder served as superintendent or principal in a school district during the time preceding and/or

that resulted in the Governor declaring a state of emergency and the State Board of Education appointing a conservator;

(h) The license holder submitted a false certification to the State Department of Education that a statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System; or

(i) The license holder has failed to comply with the Procedures for Reporting Infractions as promulgated by the commission and approved by the State Board of Education pursuant to subsection (15) of this section.

For purposes of this subsection, probation shall be defined as a length of time determined by the commission, its subcommittee or hearing officer, and based on the severity of the offense in which the license holder shall meet certain requirements as prescribed by the commission, its subcommittee or hearing officer. Failure to complete the requirements in the time specified shall result in immediate suspension of the license for one (1) year.

(13) (a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.

(14) (a) A person whose license has been suspended or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of suspension or surrender, or after one-half (1/2) of the suspended or surrendered time has lapsed, whichever is greater. A person whose license has been suspended or revoked on any grounds or violations under subsection (12) of this section may be reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to

establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of such revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission, its subcommittee or hearing officer regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any person under the provisions of this section shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, on the record

made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars ($200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

(17) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.

(18) The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public school districts of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in such districts.

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 3. Section 73-1-21, Mississippi Code of 1972, is amended as follows:

73-1-21. Any architect residing outside this state may obtain a certificate to practice in the State of Mississippi by complying with Section 73-1-13, and by paying the fees prescribed

by the rules of the board; however, no such nonresident applicant shall receive a certificate to practice in this state unless the applicant furnishes evidence satisfactory to the board that the applicant holds a current and valid registration issued by a registration authority recognized by the board, holds a National Council of Architectural Registration Board's certificate, has never been restrained from practicing architecture, and has never had a certificate or license revoked. Each nonresident applicant shall submit, as a part of the application, a sworn affidavit stating that neither such applicant nor any person in, or agent of, the applicant's firm has practiced or is practicing architectural work in this state prior to the applicant having been licensed by the board unless such person or agent holds a license to practice architecture in this state. Failure to submit this affidavit is just cause for disapproval of the application. Every applicant for reciprocity registration shall comply fully with the requirements for resident applicants, except that nonresident applicants who met the requirements for issuance of a certificate of registration by the board prior to January 1, 1987, and who, on that date, held a current and valid registration by a registration authority recognized by the board or were qualified exam candidates in another jurisdiction recognized by the board, shall not be required to meet the degree requirements of Section 73-1-13. The board shall have the further right to exercise its

discretion as to whether such nonresident architect shall be issued such certificate to practice.

The issuance of a certificate by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 4. Section 73-2-11, Mississippi Code of 1972, is amended as follows:

73-2-11. The board may exempt from examination any applicant who holds a license or certificate to practice landscape architecture issued to him upon examination by a legally constituted board of examiners of any other state or Washington, D.C., or any other territory or possession under the control of the United States, provided that such requirements of the state in which the applicant is registered are equivalent to those of this state.

Each nonresident applicant shall submit, as part of the application, a sworn affidavit stating that neither such applicant nor any person in or agent of the applicant's firm has practiced or is practicing landscape architectural work in this state prior to the applicant having been licensed by the board unless such person or agent holds a license to practice landscape architecture in this state. Failure to submit this affidavit or submitting an affidavit which is false in any respect shall constitute just cause for denial of the application.

An applicant who is a licensed landscape architect but who was admitted in a jurisdiction which did not offer a written examination acceptable to the board or was admitted without the requirement of passing a written examination may be issued a license to practice landscape architecture in this state upon the taking and passing of any examination or procedure as may be adopted by the board, provided that such applicant meets all other requirements for issuance of a license to practice landscape architecture in this state.

The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 5. Section 73-4-23, Mississippi Code of 1972, is amended as follows:

73-4-23. Any auctioneer who is licensed in a state that (a) has requirements equal to the requirements of this chapter, (b) has requirements that have been approved by the commission, after a review of such state's licensing law, and (c) has entered into a reciprocal licensing agreement with the State of Mississippi through such state's regulatory authority over auctioneering, may apply for and be granted a license without examination. Applicants for a license through reciprocity shall furnish the commission by application the same information as that required of resident applicants. In addition to the biennial license fee,

nonresidents shall pay to the commission a fee of Two Hundred Fifty Dollars ($250.00). A nonresident auctioneer shall furnish to the commission a surety bond, obligated to the State of Mississippi, in the amount of Ten Thousand Dollars ($10,000.00) prior to being issued a license. The bond shall be executed by the person seeking the license as principal and by a corporate surety, licensed to do business in this state, as surety. The bond shall otherwise be in accordance with the provisions of this chapter.

The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 6. Section 73-5-21, Mississippi Code of 1972, is amended as follows:

73-5-21. Any person possessed of the following qualifications shall, upon payment of the required fee, receive a certificate of registration as a registered barber:

(a) Is at least eighteen (18) years old;

(b) Is of good moral character and temperate habits; and

(c) Either has a license or certificate of registration as a practicing barber in another state or country that has substantially the same requirements for licensing or registration of barbers as are contained in this chapter, or can prove by sworn

affidavits that he has lawfully practiced as a barber in another state or country for at least five (5) years immediately before making application in this state, or can show to the satisfaction of the board that he had held a rating in a branch of the military service for two (2) or more years that required him to perform the duties of a barber. The issuance of a certificate of registration by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

In addition to the above, the board may require the applicant to successfully demonstrate sufficient knowledge of the Barber Law of the State of Mississippi, as well as sufficient practical skill by requiring the applicant to take a practical examination approved by the board.

SECTION 7. Section 73-6-13, Mississippi Code of 1972, is amended as follows:

73-6-13. (1) Any adult of good moral character who has (a) graduated from a school or college of chiropractic recognized by the State Board of Chiropractic Examiners, preceded by the successful completion of at least two (2) academic years at an accredited institution of higher learning, or accredited junior college, and (b) successfully completed parts 1, 2, 3 and 4 and the physical modality section of the examination prepared by the National Board of Chiropractic Examiners, shall be entitled to

take the examination for a license to practice chiropractic in Mississippi. The State Board of Chiropractic Examiners shall keep on file a list of schools or colleges of chiropractic which are so recognized. No chiropractic school shall be approved unless it is recognized and approved by the Council on Chiropractic Education, its successor or an equivalent accrediting agency, offers an accredited course of study of not less than four (4) academic years of at least nine (9) months in length, and requires its graduates to receive not less than forty (40) clock hours of instruction in the operation of x-ray machinery and not less than forty (40) clock hours of instruction in x-ray interpretation and diagnosis.

(2) Except as otherwise provided in this section, the State Board of Health shall prescribe rules and regulations for the operation and use of x-ray machines.

(3) The examination to practice chiropractic used by the board shall consist of testing on the statutes and the rules and regulations regarding the practice of chiropractic in the State of Mississippi.

(4) Reciprocity privileges for a chiropractor from another state shall be granted at the board's option on an individual basis and by a majority vote of the State Board of Chiropractic Examiners to an adult of good moral character who (a) is currently an active competent practitioner for at least eight (8) years and holds an active chiropractic license in another state with no

disciplinary proceeding or unresolved complaint pending anywhere at the time a license is to be issued by this state, (b) demonstrates having obtained licensure as a chiropractor in another state under the same education requirements which were equivalent to the education requirements in this state to obtain a chiropractic license at the time the applicant obtained the license in the other state, (c) satisfactorily passes the examination administered by the State Board of Chiropractic Examiners, and (d) meets the requirements of Section 73-6-1(3) pertaining to therapeutic modalities. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 8. Section 73-7-23, Mississippi Code of 1972, is amended as follows:

73-7-23. (1) The board may, upon application, issue a license by reciprocity to any cosmetologist, esthetician or manicurist over the age of seventeen (17) years from any other state who has satisfactorily completed the required number of accredited hours in that state, provided the state board from which the applicant comes issues to cosmetologists, estheticians or manicurists, as the case may be, from the State of Mississippi a license under the same conditions. Applications must be accompanied by (a) proof satisfactory to the board that the

required hours have been completed, and (b) the required reciprocity fee, which shall be paid to the board.

(2) An instructor from any other state may be qualified for a Mississippi instructor's license upon presenting a valid instructor's license and proof of a high school education or its equivalent, provided that the instructor (a) is not less than twenty-one (21) years of age, (b) has completed training equivalent to the State of Mississippi's training as provided in Section 73-7-15 or has three (3) years or more of experience as a licensed instructor prior to application, (c) can read, write and speak English, (d) has completed twelve (12) semester hours in college courses approved by the board, and (e) has completed a minimum of five (5) continuing education hours in Mississippi board laws, rules and regulations. Such application must be accompanied by two (2) recent passport photographs of the applicant. Applicants shall pay the required license fee.

(3) An applicant for a Mississippi instructor's license by reciprocity who has not completed the college courses requirement at the time of application may apply for a onetime temporary teaching permit, which shall be valid for six (6) months and shall be nonrenewable. Such application must be accompanied by proof of enrollment in college course(s), required permit fee, two (2) recent passport photographs of the applicant and other documentation as required for application for a Mississippi instructor's license by reciprocity. Upon proof of completion of

college courses and payment of the required license fee, a Mississippi instructor's license shall be issued.

(4) The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 9. Section 73-9-24, Mississippi Code of 1972, is amended as follows:

73-9-24. (1) In addition to the method for obtaining a license to practice dentistry or dental hygiene by way of examination as provided by Section 73-9-23, the board, in its sole discretion, may grant a license to a candidate who meets the following criteria:

(a) Submit proof of graduation from a dental school or school of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association (ADA), or its successor commission;

(b) Be engaged in the active practice of dentistry or dental hygiene or in full-time dental education or dental hygiene education for the past five (5) years;

(c) Currently hold a valid, unrestricted and unexpired license in a state whose standards for licensure are determined by the board as equivalent to Mississippi's standards, and which state grants reciprocity or licensure by credentials to licensees of the State of Mississippi;

(d) Provides an endorsement from all states in which he or she is currently licensed or has ever been licensed to practice dentistry or dental hygiene;

(e) Has not been the subject of pending or final disciplinary action in any state in which the applicant has been licensed;

(f) Is not the subject of a pending investigation in any other state or jurisdiction;

(g) Has passed a state or regional clinical licensure examination and, within the past five (5) years, has not failed a clinical licensure examination administered by another state, jurisdiction, or regional licensing board;

(h) Has not failed at any time, a licensure examination administered by the Mississippi State Board of Dental Examiners;

(i) Provides a written statement agreeing to appear for interviews at the request of the board;

(j) Has successfully completed all parts of the National Board Examinations of the Joint Commission on National Dental Examinations, or its successor commission, unless the applicant graduated from an accredited dental or dental hygiene school before 1960;

(k) Successfully passes a written jurisprudence examination;

(l) Provides payment of a nonrefundable application fee as provided in Section 73-9-43; and

(m) In addition, the State Board of Dental Examiners may consider the following in accepting, rejecting or denying an application for licensure by credentialing:

(i) Information from the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank and/or the American Association of Dental Examiners Clearinghouse for Disciplinary Information.

(ii) Questioning under oath.

(iii) Results of peer review reports from constituent societies and/or federal dental services.

(iv) Substance abuse testing or treatment.

(v) Background checks for criminal or fraudulent activities.

(vi) Participation in continuing education.

(vii) A current certificate in cardiopulmonary resuscitation.

(viii) Recent patient case reports and/or oral defense of diagnosis and treatment plans.

(ix) No physical or psychological impairment that would adversely affect the ability to deliver quality dental care.

(x) Agreement to initiate practice in the credentialing jurisdiction within a reasonable period of time.

(xi) Proof of professional liability coverage and that the coverage has not been refused, declined, canceled, nonrenewed or modified.

(xii) Any additional information or documentation that the board may stipulate by rule or regulation as necessary to qualify for a license by credentialing.

(2) The board shall be granted sufficient time to conduct a complete inquiry into the applicant's qualifications for licensure by credentials, and the board may adopt such rules and regulations pertaining to the time needed to conduct investigations and the responsibility of applicants to produce verifiable documentation.

(3) Any applicant failing to meet the criteria in subsection (1) of this section shall not be eligible for a license based on credentials. Upon meeting the criteria in subsection (1) of this section, the Mississippi State Board of Dental Examiners may, in its discretion, issue to the applicant a license to practice dentistry, or dental hygiene, unless grounds for denial of licensure exist as enumerated in Section 73-9-61. Evidence of falsification in the application for licensure through credentialing will result in revocation of the license.

(4) Any applicant applying for a specialty license by credentials must stay within his or her board recognized specialty and must practice only that specialty within the State of Mississippi. A specialty license holder must hold a general dentistry license before obtaining a specialty license.

(5) The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who

establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 10. Section 73-10-15, Mississippi Code of 1972, is amended as follows:

73-10-15. (1) A nonresident dietitian may practice dietetics in Mississippi for five (5) days per year with current other state's licensure or with current registration with the Commission on Dietetics Registration.

(2) The board may waive the prescribed examination for licensure and grant a license to any person who shall present proof of current licensure as a dietitian in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the advisory council to be greater than or equal to the requirements for licensure of this chapter, if such state or territory extends reciprocity to licensees of the State of Mississippi. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 11. Section 73-11-51, Mississippi Code of 1972, is amended as follows:

73-11-51. (1) No person shall engage in the business or practice of funeral service, including embalming, and/or funeral directing or hold himself out as transacting or practicing or

being entitled to transact or practice funeral service, including embalming, and/or funeral directing in this state unless duly licensed under the provisions of this chapter.

(2) The board is authorized and empowered to examine applicants for licenses for the practice of funeral service and funeral directing and shall issue the proper license to those persons who successfully pass the applicable examination and otherwise comply with the provisions of this chapter.

(3) To be licensed for the practice of funeral directing under this chapter, a person must furnish satisfactory evidence to the board that he or she:

(a) Is at least eighteen (18) years of age;

(b) Has a high school diploma or the equivalent thereof;

(c) Has served as a resident trainee for not less than twenty-four (24) months under the supervision of a person licensed for the practice of funeral service or funeral directing in this state;

(d) Has successfully passed a written and/or oral examination as prepared or approved by the board; and

(e) Is of good moral character.

(4) To be licensed for the practice of funeral service under this chapter, a person must furnish satisfactory evidence to the board that he or she:

(a) Is at least eighteen (18) years of age;

(b) Has a high school diploma or the equivalent thereof;

(c) Has successfully completed twelve (12) months or more of academic and professional instruction from an institution accredited by the United States Department of Education for funeral service education and have a certificate of completion from an institution accredited by the American Board of Funeral Service Education or any other successor recognized by the United States Department of Education for funeral service education;

(d) Has served as a resident trainee for not less than twelve (12) months, either before or after graduation from an accredited institution mentioned above, under the supervision of a person licensed for the practice of funeral service in this state and in an establishment licensed in this state;

(e) Has successfully passed the National Conference of Funeral Examiners examination and/or such other examination as approved by the board; and

(f) Is of good moral character.

(5) All applications for examination and license for the practice of funeral service or funeral directing shall be upon forms furnished by the board and shall be accompanied by an examination fee, a licensing fee and a nonrefundable application fee in amounts fixed by the board in accordance with Section 73-11-56. The fee for an initial license, however, may be prorated in proportion to the period of time from the date of

issuance to the date of biennial license renewal prescribed in subsection (8) of this section. All applications for examination shall be filed with the board office at least sixty (60) days before the date of examination. A candidate shall be deemed to have abandoned the application for examination if he does not appear on the scheduled date of examination unless such failure to appear has been approved by the board.

(6) The practice of funeral service or funeral directing must be engaged in at a licensed funeral establishment, at least one (1) of which is listed as the licensee's place of business; and no person, partnership, corporation, association or other organization shall open or maintain a funeral establishment at which to engage in or conduct or hold himself or itself out as engaging in the practice of funeral service or funeral directing until such establishment has complied with the licensing requirements of this chapter. A license for the practice of funeral service or funeral directing shall be used only at licensed funeral establishments; however, this provision shall not prevent a person licensed for the practice of funeral service or funeral directing from conducting a funeral service at a church, a residence, public hall, lodge room or cemetery chapel, if such person maintains a fixed licensed funeral establishment of his own or is in the employ of or an agent of a licensed funeral establishment.

(7) Any person holding a valid, unrevoked and unexpired nonreciprocal license in another state or territory having requirements greater than or equal to those of this state as determined by the board may apply for a license to practice in this state by filing with the board a certified statement from the secretary of the licensing board of the state or territory in which the applicant holds his license certifying to his qualifications and good standing with that board. He/she must also successfully pass a written and/or oral examination on the Mississippi Funeral Service licensing law and rules and regulations as prepared or approved by the board, and must pay a nonrefundable application fee set by the board. If the board finds that the applicant has fulfilled aforesaid requirements and has fulfilled substantially similar requirements of those required for a Mississippi licensee, the board shall grant such license upon receipt of a fee in an amount equal to the renewal fee set by the board for a license for the practice of funeral service or funeral directing, as the case may be, in this state. The board may issue a temporary funeral service or funeral directing work permit before a license is granted, before the next regular meeting of the board, if the applicant for a reciprocal license has complied with all requirements, rules and regulations of the board. The temporary permit will expire at the next regular meeting of the board. The issuance of a license or temporary permit by reciprocity to a military-trained applicant * * *,

military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(8) (a) Except as provided in Section 33-1-39, any person holding a license for the practice of funeral service or funeral directing may have the same renewed for a period of two (2) years by making and filing with the board an application on or before the due date. Payment of the renewal fee shall be in an amount set by the board in accordance with Section 73-11-56. The board shall mail the notice of renewal and the due date for the payment of the renewal fee to the last-known address of each licensee at least thirty (30) days before that date. It is the responsibility of the licensee to notify the board in writing of any change of address. An application will be considered late if the application and proper fees are not in the board's office or postmarked by the due date. Failure of a license holder to receive the notice of renewal shall not exempt or excuse a license holder from the requirement of renewing the license on or before the license expiration date.

(b) If the renewal fee is not paid on or postmarked by the due date, the license of such person shall by operation of law automatically expire and become void without further action of the board. The board may reinstate such license if application for licensure is made within a period of five (5) years, upon payment of the renewal fee for the current year, all renewal fees in

arrears, and a reinstatement fee. After a period of five (5) years, the licensee must make application, pay the current renewal fee, all fees in arrears, and pass a written and/or oral examination as prepared or approved by the board.

(9) No license shall be assignable or valid for any person other than the original licensee.

(10) The board may, in its discretion, if there is a major disaster or emergency where human death is likely to occur, temporarily authorize the practice of funeral directing and funeral service by persons licensed to practice in another state but not licensed to practice in this state. Only persons licensed in this state, however, may sign death certificates.

(11) Any funeral service technology or mortuary science program accredited by the American Board of Funeral Service Education in the State of Mississippi, as well as students enrolled in such a program, shall be exempt from licensing under this chapter when embalming or otherwise preparing a deceased human body for disposition as part of a student practicum experience, when the student is directly supervised by an instructor or preceptor who holds a current funeral service license. This exemption shall apply to practicum experiences performed at an accredited institution of funeral service technology or mortuary science program or at a duly licensed funeral establishment or commercial mortuary service. Nothing in this subsection shall be construed to allow any funeral service

technology or mortuary science program, or those students enrolled in such a program, to engage in practicum experiences for remuneration.

(12) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 12. Section 73-13-35, Mississippi Code of 1972, is amended as follows:

73-13-35. The board may, upon application therefor and the payment of a fee in accordance with Section 73-13-25, issue a certificate of licensure as a professional engineer to any person who holds a certificate of qualification or licensure issued to him by proper authority of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of Sections 73-13-1 through 73-13-45 and the rules established by the board. The issuance of a certificate of licensure by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 13. Section 73-14-25, Mississippi Code of 1972, is amended as follows:

73-14-25. The department may license as a hearing aid specialist, and furnish a certificate of licensure, to any applicant who presents evidence, satisfactory to the department of

having passed an examination before a similar lawfully authorized examining agency or board of hearing aid specialists of another state or the District of Columbia, if the standards for registration of hearing aid specialists or for licensure as a hearing aid specialist in such state or district are determined by the department to be as high as those of this state, and if that jurisdiction affords licensees of this state reciprocity.

Any person making application for licensure under the provisions of this section may, at the discretion of the board, be required to pass an examination selected by the board.

The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 14. Section 73-15-19, Mississippi Code of 1972, is amended as follows:

73-15-19. (1) **Registered nurse applicant qualifications.** Any applicant for a license to practice as a registered nurse shall submit to the board:

(a) An attested written application on a Board of Nursing form;

(b) Written official evidence of completion of a nursing program approved by the Board of Trustees of State Institutions of Higher Learning, or one approved by a legal accrediting agency of another state, territory or possession of

the United States, the District of Columbia, or a foreign country which is satisfactory to this board;

(c) Evidence of competence in English related to nursing, provided the first language is not English;

(d) Any other official records required by the board.

In addition to the requirements specified in paragraphs (a) through (d) of this subsection, in order to qualify for a license to practice as a registered nurse, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-15-29 or guilty of any offense specified in Section 73-15-33. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of

public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

The board may, in its discretion, refuse to accept the application of any person who has been convicted of a criminal offense under any provision of Title 97 of the Mississippi Code of

1972, as now or hereafter amended, or any provision of this article.

(2) **Licensure by examination.** (a) Upon the board being satisfied that an applicant for a license as a registered nurse has met the qualifications set forth in subsection (1) of this section, the board shall proceed to examine such applicant in such subjects as the board shall, in its discretion, determine. The subjects in which applicants shall be examined shall be in conformity with curricula in schools of nursing approved by the Board of Trustees of State Institutions of Higher Learning, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to the board.

(b) The applicant shall be required to pass the written examination as selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a registered nurse.

(d) The board may use any part or all of the state board test pool examination for registered nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** The board may issue a license to practice nursing as a registered nurse without examination to

an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed registered nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state, at the time of his or her graduation. The issuance of a license by endorsement to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(4) **Requirements for rewriting the examination.** The board shall establish in its rules the requirements for rewriting the examination for those persons failing the examination on the first writing or subsequent rewriting.

(5) **Fee.** The applicant applying for a license by examination or by endorsement to practice as a registered nurse shall pay a fee not to exceed One Hundred Dollars ($100.00) to the board.

(6) **Temporary permit.** (a) The board may issue a temporary permit to practice nursing to a graduate of an approved school of nursing pending the results of the examination in Mississippi, and to a qualified applicant from another state, territory or possession of the United States, or District of Columbia, or

pending licensure procedures as provided for elsewhere in this article. The fee shall not exceed Twenty-five Dollars ($25.00).

(b) The board may issue a temporary permit for a period of ninety (90) days to a registered nurse who is currently licensed in another state, territory or possession of the United States or the District of Columbia and who is an applicant for licensure by endorsement. Such permit is not renewable except by board action. The issuance of a temporary permit to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(c) The board may issue a temporary permit to a graduate of an approved school of nursing pending the results of the first licensing examination scheduled after application. Such permit is not renewable except by board action.

(d) The board may issue a temporary permit for a period of thirty (30) days to any registered nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars ($25.00).

(e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.

(7) **Temporary license**. The board may issue a temporary license to practice nursing at a youth camp licensed by the State

Board of Health to nonresident registered nurses and retired resident registered nurses under the provisions of Section 75-74-8.

(8) **Title and abbreviation.** Any person who holds a license or holds the privilege to practice as a registered nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N." No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that the person using the same is a registered nurse.

(9) **Registered nurses licensed under a previous law.** Any person holding a license to practice nursing as a registered nurse issued by this board which is valid on July 1, 1981, shall thereafter be deemed to be licensed as a registered nurse under the provisions of this article upon payment of the fee provided in Section 73-15-27.

(10) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 15. Section 73-15-21, Mississippi Code of 1972, is amended as follows:

73-15-21. (1) **Licensed practical nurse applicant qualifications.** Any applicant for a license to practice practical nursing as a licensed practical nurse shall submit to the board:

(a) An attested written application on a Board of Nursing form;

(b) A diploma from an approved high school or the equivalent thereof, as determined by the appropriate educational agency;

(c) Written official evidence of completion of a practical nursing program approved by the State Department of Education through its Division of Vocational Education, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to this board;

(d) Evidence of competence in English related to nursing, provided the first language is not English;

(e) Any other official records required by the board.

In addition to the requirements specified in paragraphs (a) through (e) of this subsection, in order to qualify for a license to practice practical nursing as a licensed practical nurse, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-15-29 or guilty of any offense specified in Section 73-15-33. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall

submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

The board may, in its discretion, refuse to accept the application of any person who has been convicted of a criminal offense under any provision of Title 97 of the Mississippi Code of 1972, as now or hereafter amended, or any provision of this article.

(2) **Licensure by examination.** (a) Upon the board being satisfied that an applicant for a license as a practical nurse has met the qualifications set forth in subsection (1) of this section, the board shall proceed to examine such applicant in such subjects as the board shall, in its discretion, determine. The subjects in which applicants shall be examined shall be in conformity with curricula in schools of practical nursing approved by the State Department of Education.

(b) The applicant shall be required to pass the written examination selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a licensed practical nurse.

(d) The board may use any part or all of the state board test pool examination for practical nurse licensure, its successor examination, or any other nationally standardized

examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** The board may issue a license to practice practical nursing as a licensed practical nurse without examination to an applicant who has been duly licensed as a licensed practical nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed practical nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state at the time of his or her graduation. The issuance of a license by endorsement to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(4) **Licensure by equivalent amount of theory and clinical experience.** In the discretion of the board, former students of a state-accredited school preparing students to become registered nurses may be granted permission to take the examination for licensure to practice as a licensed practical nurse, provided the applicant's record or transcript indicates the former student completed an equivalent amount of theory and clinical experiences as required of a graduate of a practical nursing program, and

provided the school attended was, at the time of the student's attendance, an accredited school of nursing.

(5) **Requirements for rewriting the examination.** The board shall establish in its rules the requirements for rewriting the examination for those persons failing the examination on the first writing or subsequent writing.

(6) **Fee.** The applicant applying for a license by examination or by endorsement to practice as a licensed practical nurse shall pay a fee not to exceed Sixty Dollars ($60.00) to the board.

(7) **Temporary permit.** (a) The board may issue a temporary permit to practice practical nursing to a graduate of an approved school of practical nursing pending the results of the examination in Mississippi, and to a qualified applicant from another state, territory or possession of the United States, or the District of Columbia, pending licensing procedures as provided for elsewhere in this article. The fee shall not exceed Twenty-five Dollars ($25.00).

(b) The board may issue a temporary permit for a period of ninety (90) days to a licensed practical nurse who is currently licensed in another state, territory or possession of the United States or the District of Columbia and who is an applicant for licensure by endorsement. Such permit is not renewable except by board action. The issuance of a temporary permit to a military-trained applicant * * *, military spouse or person who

establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(c) The board may issue a temporary permit to a graduate of an approved practical nursing education program or an equivalent program satisfactory to the board pending the results of the first licensing examination scheduled after application. Such permit is not renewable except by board action.

(d) The board may issue a temporary permit for a period of thirty (30) days to any licensed practical nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars ($25.00).

(e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.

(8) **Title and abbreviation.** Any person who holds a license or holds the privilege to practice as a licensed practical nurse in this state shall have the right to use the title "licensed practical nurse" and the abbreviation "L.P.N." No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that a person using the same is a licensed practical nurse.

(9) **Licensed practical nurses licensed under a previous law.** Any person holding a license to practice nursing as a practical nurse issued by this board which is valid on July 1, 1981, shall

thereafter be deemed to be licensed as a practical nurse under the provisions of this article upon payment of the fee prescribed in Section 73-15-27.

(10) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 16. Section 73-17-11, Mississippi Code of 1972, is amended as follows:

73-17-11. (1) From and after July 1, 2011, in order to be eligible to be licensed as a nursing home administrator, an individual must submit evidence satisfactory to the board that he or she:

(a) Is at least twenty-one (21) years of age;

(b) Is of good moral character, including evidence of a criminal background check within the last six (6) months, under Section 43-11-13 and Section G.407.3 of the Minimum Standards for Institutions for the Aged or Infirm;

(c) Is in good health;

(d) Has satisfied at least one (1) of the following requirements for education and experience:

(i) Has sixty-four (64) hours of college work from an accredited institution and has worked in a supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2) years immediately before making application for the Administrator-in-Training Program established by board rule;

(ii) Has an associate degree from an accredited institution and has worked in a supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2) years immediately before making application for the Administrator-in-Training Program established by board rule;

(iii) Has a bachelor's degree in any other field of study from an accredited institution before making application for the Administrator-in-Training Program established by board rule; or

(iv) Has a bachelor's degree in health care administration or a health care related field or business from an accredited institution before making application for the Administrator-in-Training Program established by board rule;

(e) Has (i) completed a nursing home Administrator-in-Training Program and successfully completed the National Association of Long-Term Care Administrator Board (NAB) examination, or (ii) completed an Administrator-in-Training Program in Long-Term Care Administration from an academic institution during which time the institution held National Association of Long-Term Care Administrator Board (NAB) Program Approval through the academic approval process, to the satisfaction of the board;

(f) Has successfully passed the National Association of Long-Term Care Administrator Board (NAB) examination and the Mississippi State Board of Nursing Home Administrators examination

to test his or her proficiency and basic knowledge in the area of nursing home administration. The board may establish the frequency of the offering of those examinations and the contents thereof; and

(g) Has met all of the requirements established by federal law.

(2) Reciprocity shall be extended to individuals holding licenses as nursing home administrators in other states, upon proper application and a finding on the part of the board that:

(a) The applicant possesses the basic qualifications listed in this chapter and in the rules and regulations adopted under federal law;

(b) The applicant has met all of the requirements established by federal law; and

(c) The standards for licensure in the other states are at least the substantial equivalent of those in this state, including education and experience, and the applicant has passed both the National Association of Long-Term Care Administrator Board (NAB) and the state exams.

The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(3) The board may prescribe appropriate fees for the taking of those examinations and for the issuance of licenses. Those

fees shall be not more than the cost of the examinations and Five Hundred Dollars ($500.00) for the issuance of a license. However, the fee for an initial license may be prorated in proportion to the period of time from the date of issuance and the date of biennial license renewal prescribed in subsection (4). All licenses issued under this chapter shall be for a maximum period of two (2) years.

(4) Except as provided in Section 33-1-39, the board may renew licenses biennially upon the payment of a fee to be established by the board, which shall be not more than Five Hundred Dollars ($500.00), plus any administrative costs for late payment.

(5) Any person who is not licensed under this chapter on July 1, 2011, who makes application with the board on or before June 30, 2012, may qualify for a license under this chapter provided that on or before January 31, 2014, he or she demonstrates to the satisfaction of the board that he or she (a) meets the eligibility requirements for a nursing home administrator's license prescribed in this section as those requirements existed on June 30, 2011; (b) has successfully completed the Administrator-in-Training Program requirements existing on June 30, 2011; and (c) has paid all required fees for licensure.

(6) Current licensure by the Department of Mental Health under Section 41-4-7(r) as a mental health/intellectual disability

program administrator shall exempt the licensee from the requirement of licensure as a nursing home administrator if the licensee is employed in the state mental health system as Administrator of Intermediate Care Facility or Facilities for Persons with Intellectual Disabilities (ICF/ID) no larger than sixteen (16) beds.

(7) This section shall stand repealed on July 1, 2021.

SECTION 17. Section 73-19-25, Mississippi Code of 1972, is amended as follows:

73-19-25. An applicant for a certificate of licensure who has been examined by the state board of another state which, through reciprocity, similarly accredits the holder of a certificate issued by the board of this state to the full privileges of practice within such state, on the payment of a fee of not more than Fifty Dollars ($50.00) to the board and on filing in the office of the board a true and attested copy of the license, certified by the president or secretary of the state board issuing the same, and showing also that the standard requirements adopted and enforced by the board are equal to that provided by this state, may, without further examination, receive a certificate of licensure, provided that such applicant has not previously failed at an examination held by the board of this state. The issuance of a certificate of licensure by reciprocity to a military-trained applicant * * *, military spouse or person

who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 18. Section 73-21-87, Mississippi Code of 1972, is amended as follows:

73-21-87. (1) To obtain a license to engage in the practice of pharmacy by reciprocity or license transfer, the applicant shall:

(a) Have submitted a written application on the form prescribed by the board;

(b) Be of good moral character;

(c) Have possessed at the time of initial licensure as a pharmacist such other qualifications necessary to have been eligible for licensure at that time in that state;

(d) Have presented to the board proof that any license or licenses granted to the applicant by any other states have not been suspended, revoked, cancelled or otherwise restricted for any reason except nonrenewal or the failure to obtain required continuing education credits; and

(e) Have paid all fees specified by the board for licensure.

(2) No applicant shall be eligible for licensure by reciprocity or license transfer unless the state in which the applicant was initially licensed also grants a reciprocal license or transfer license to pharmacists licensed by this state under like circumstances and conditions.

(3) The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(4) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 19. Section 73-23-51, Mississippi Code of 1972, is amended as follows:

73-23-51. (1) The board may license as a physical therapist or as a physical therapist assistant, and furnish a certificate of licensure without examination to, any applicant who presents evidence, satisfactory to the board, of having passed an examination before a similar lawfully authorized examining agency or board in physical therapy of another state or the District of Columbia, if the standards for registration in physical therapy or for licensure as a physical therapist assistant in such other state or district are determined by the board to be as high as those of this state. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(2) Any person who has been trained as a physical therapist in a foreign country and desires to be licensed under this chapter and who: (a) is of good moral character; (b) holds a diploma from

an educational program for physical therapists approved by the board; (c) submits documentary evidence to the board that he has completed a course of professional instruction substantially equivalent to that obtained by an applicant for licensure; (d) demonstrates satisfactory proof of proficiency in the English language; and (e) meets other requirements established by rules of the board, may make application on a form furnished by the board for examination as a foreign-trained physical therapist. At the time of making such application, the applicant shall pay the fee prescribed by the board, no portion of which shall be returned.

Any person who desires to be licensed under this subsection shall take an examination approved by the board and shall obtain a permanent license. If this requirement is not met, the license of the foreign-trained therapist may be revoked.

SECTION 20. Section 73-23-53, Mississippi Code of 1972, is amended as follows:

73-23-53. (1) A temporary license to practice as a physical therapist or physical therapist assistant may be granted to those persons meeting the requirements stated in Section 73-23-47 and who (a) have not taken the approved examination, or (b) have taken the approved examination but have not received the results of the examination. The temporary license shall be granted for a period not to exceed ninety (90) days. Any physical therapist granted a temporary license under the provisions of this subsection shall restrict his practice to the State of Mississippi and shall be

under the direct supervision of a physical therapist licensed in Mississippi (physical therapy assistants shall be under the direct on-site supervision of a Mississippi licensed physical therapist). Documentation verifying the supervision shall be on file with the board before a temporary license is granted.

(2) The board may by rule provide for the issuance of a temporary license to a physical therapist or a physical therapist assistant licensed in another state who is moving into the state and has filed an application with the board for a permanent license in this state. This temporary license will be granted for a period not to exceed sixty (60) days. The issuance of a temporary license to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(3) Any person granted a temporary license who is required to take the approved examination and fails to take the exam as required by the board or does not pass the required exam shall have the temporary license automatically expire by operation of law and without further action of the board and no license of any type shall be issued until such person has passed an approved examination.

(4) Any person who has taken but not passed the required examination in this or another jurisdiction shall not be eligible for a license of any type until an approved examination is passed.

(5) Any person who has been trained as a physical therapist or physical therapist assistant in a foreign country and desires to be temporarily licensed under this subsection shall, in addition to satisfying such other requirements established by the board, demonstrate proficiency in the English language and meet the other requirements of Section 73-23-51(2) before such temporary license shall be issued.

(6) During a lawfully declared local, state or national disaster or emergency, the board may issue a temporary license to any otherwise qualified physical therapist or physical therapist assistant licensed and in good standing in another state or territory of the United States and who meets such other requirements as the board may prescribe by rule and regulation.

SECTION 21. Section 73-24-21, Mississippi Code of 1972, is amended as follows:

73-24-21. (1) The board shall grant a license to any person certified prior to July 1, 1988, as an Occupational Therapist Registered (OTR) or a Certified Occupational Therapy Assistant (COTA) by the American Occupational Therapy Association (AOTA). The board may waive the examination, education or experience requirements and grant a license to any person certified by AOTA after July 1, 1988, if the board determines the requirements for such certification are equivalent to the requirements for licensure in this chapter.

(2) The board may waive the examination, education or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(3) Foreign-trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Section 73-24-19. The board shall require foreign-trained applicants to furnish proof of good moral character and completion of educational and supervised fieldwork requirements substantially equal to those contained in Section 73-24-19 before taking the examination.

SECTION 22. Section 73-25-21, Mississippi Code of 1972, is amended as follows:

73-25-21. The State Board of Medical Licensure may grant license to practice medicine without examination as to learning to graduates in medicine or osteopathic medicine who hold license to practice medicine from another state, provided the requirements in such state are equal to those required by the State Board of

Medical Licensure. The State Board of Medical Licensure may affiliate with and recognize for the purpose of waiving examination diplomates of the National Board of Medical Examiners, or the National Board of Examiners for Osteopathic Physicians and Surgeons in granting license to practice medicine in Mississippi. In addition, the board may grant a license to practice medicine without examination to Licentiates of the Medical Council of Canada (LMCC) who are graduates of Canadian medical schools which are accredited by the Liaison Committee on Medical Education, as sponsored by the American Medical Association and the Association of American Medical Colleges, and by the Committee for Accreditation of Canadian Medical Schools, as sponsored by the Canadian Medical Association and the Association of Canadian Medical Colleges.

The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 23. Section 73-27-5, Mississippi Code of 1972, is amended as follows:

73-27-5. All applicants for license shall have attained the age of twenty-one (21) years, and shall be of good moral character; they shall have had at least four (4) years high school and be graduates of same; they shall have at least one (1) year prepodiatry college education and be graduates of some college of

podiatry recognized as being in good standing by the State Board of Medical Licensure. No college of podiatry or chiropody shall be accredited by the board as a college of good standing that does not require for graduation a course of study of at least four (4) years (eight and one-half (8-1/2) months each) and be recognized by the Council on Education of the American Podiatry Association. However, all podiatrists actively engaged in the practice of podiatry in the State of Mississippi, prior to January 1, 1938, whether graduates or not, shall, upon furnishing proof thereof by displaying their state privilege tax license to the Secretary of the State Board of Medical Licensure, and upon payment of fee of Ten Dollars and Twenty-five Cents ($10.25), be entitled to a license without an examination, and applications for the license shall be filed not later than sixty (60) days after February 17, 1938. Upon payment of a fee prescribed by the State Board of Medical Licensure, not to exceed Five Hundred Dollars ($500.00), a license without examination may be issued to podiatrists of other states maintaining equal statutory requirements for the practice of podiatry and extending the same reciprocal privileges to this state. The State Board of Medical Licensure may affiliate with the National Board of Chiropody or Podiatry Licensure in granting licenses to practice podiatry in Mississippi, provided the written examination covers at least two-thirds (2/3) of the subjects set forth in Section 73-27-9. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse

or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

To qualify for a Mississippi podiatry license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-27-13. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing

before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 24. Section 73-29-19, Mississippi Code of 1972, is amended as follows:

73-29-19. An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a license upon payment of a fee of Fifty Dollars ($50.00) and the production of satisfactory proof that:

(1) He is at least twenty-one (21) years of age;

(2) He is a citizen of the United States;

(3) He is of good moral character;

(4) The requirements for the licensing of polygraph examiners in such particular state or territory of the United States were, at the date of the applicant's licensing therein, substantially equivalent to the requirements now in force in this state;

(5) The applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state or territory for at least two (2) years prior to his application for license hereunder;

(6) Such other state or territory grants similar reciprocity to license holders of this state; and

(7) He has complied with Section 73-29-17.

The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 25. Section 73-30-15, Mississippi Code of 1972, is amended as follows:

73-30-15. The board shall enter into a reciprocal agreement with any state which licenses counselors if the board finds that such state has substantially the same requirements for licensure. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes

residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 26. Section 73-31-14, Mississippi Code of 1972, is amended as follows:

73-31-14. (1) Psychologists who are duly licensed in other jurisdictions and not currently under investigation by another licensure board may, upon application for licensure, apply for a temporary license, which shall be valid until the next administration of the oral examination. The temporary license shall be issued upon the applicant's passage of the Examination for Professional Practice of Psychology (EPPP) at the level established by the board in its rules and regulations and equivalent to that required for permanent licensure. Each applicant for a temporary license shall file an application upon a form and in the manner as the board prescribes, accompanied by a fee equal to the amount required for permanent licensure. A temporary license will lapse for any person who has failed the oral examination or has had his or her license suspended or revoked by the board. Procedures for the issuance of temporary licenses shall be established by the board in its rules and regulations. The issuance of a temporary license to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(2) Psychologists who are duly licensed in other jurisdictions may apply for a temporary practice certificate that allows them to practice psychology on a temporary basis in the State of Mississippi. That practice must be limited in scope and duration, not exceeding thirty (30) days during a consecutive twelve-month period. Applicants for a temporary practice certificate shall provide to the board the nature of the practice before providing that service, and shall make available to the board a current copy of his or her license or verification of a valid license in good standing. Psychologists who receive temporary practice certificates are subject to a jurisprudence examination at the request of the board. This authority for a temporary practice certificate does not apply to a psychologist who has been denied licensure in Mississippi, is a legal resident of Mississippi, or intends to practice full-time or a major portion of their time in Mississippi. Each applicant for a temporary practice certificate shall file an application upon a form and in the manner as the board prescribes, accompanied by a fee in an amount determined by the board, but not to exceed Three Hundred Dollars ($300.00).

(3) Applicants awaiting licensure in Mississippi are prohibited from the practice of psychology without a temporary license issued by the board. For the purposes of this subsection, the practice of psychology shall be construed without regard to

the means of service provision (e.g., face-to-face, telephone, Internet, telehealth).

SECTION 27. Section 73-31-15, Mississippi Code of 1972, is amended as follows:

73-31-15. (1) Upon application accompanied by the proper fee, the board may issue a license to any psychologist who furnishes, upon a form and in the manner as the board prescribes, evidence satisfactory to the board that he or she is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or possesses a valid Certificate of Professional Qualification (CPQ) granted by the Association of State and Provincial Psychology Boards; or has at least twenty (20) years of licensure to practice in another state, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico or Canadian Province when that license was based on a doctoral degree; and

(a) Has had no disciplinary sanction during the entire period of licensure; and

(b) Is not currently under investigation by another licensure board; and

(c) Has demonstrated current qualification by successfully passing the oral examination and jurisprudence examination.

(2) The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who

establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 28. Section 73-33-9, Mississippi Code of 1972, is amended as follows:

73-33-9. The Mississippi State Board of Public Accountancy may, in its discretion, issue a reciprocal certified public accountant license to practice to any holder of any certified public accountant's certificate or license issued under the law of another state, which shall entitle the holder to use the abbreviation, "CPA," in this state provided that the state issuing the original certificate or license grants similar privileges to the certified public accountants of this state. The fee for a license shall be in such reasonable amount as determined by the board. Such license shall not allow the holder thereof to engage in the practice of public accounting as a certified public accountant unless the holder meets the requirements of the Mississippi State Board of Public Accountancy. This section shall apply only to a person who wishes to obtain a license issued by the State of Mississippi and shall not apply to those persons practicing in this state under Section 73-33-17. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 29. Section 73-34-51, Mississippi Code of 1972, is amended as follows:

73-34-51. (1) Each applicant for licensure under this chapter who is not a resident of this state shall submit, with his application, an irrevocable consent that legal action arising out of his activities as a real estate appraiser in this state may be commenced against him in the proper court of any county of this state in which a cause of action may arise or in which the plaintiff may reside by service of process or pleading authorized by laws of this state, by the Secretary of State, or by the Administrator of the Mississippi Real Estate Commission. The consent shall stipulate that the service of process or pleading shall be taken in all courts to be valid and binding as if personal service had been made upon the nonresident licensee in this state. The consent shall be duly acknowledged. Every nonresident licensee shall consent to have any hearings conducted by the board pursuant to Section 73-34-35 at a place designated by the board.

(2) Any service of process or pleading shall be served on the Administrator of the Mississippi Real Estate Commission by filing duplicate copies, one (1) of which shall be filed in the office of the board and the other forwarded by certified mail to the last-known principal address of the nonresident licensee against whom the process or pleading is directed.

(3) If, in the determination of the board, another state or territory or the District of Columbia is deemed to have substantially equivalent licensure laws for real estate appraisers, an applicant for licensure in this state who is licensed under the law of such other state, territory or district may obtain a license as a real estate appraiser in this state upon such terms and conditions as may be determined by the board provided that disciplinary proceedings are not pending against such applicant in his state of licensure. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 30. Section 73-35-7, Mississippi Code of 1972, is amended as follows:

73-35-7. Licenses shall be granted only to persons who present, and to corporations, partnerships, companies or associations whose officers, associates or partners present satisfactory proof to the commission that they are trustworthy and competent to transact the business of a real estate broker or real estate salesperson in such manner as to safeguard the interests of the public. Except as otherwise provided in this section, every person who applies for a resident license as a real estate broker: (a) shall be age twenty-one (21) years or over, and have his legal domicile in the State of Mississippi at the time he applies; (b)

shall be subject to the jurisdiction of this state, subject to the income tax laws and other excise laws thereof, subject to the road and bridge privilege tax laws thereof; (c) shall not be an elector in any other state; (d) shall have held a license as an active real estate salesperson for twelve (12) months prior to making application for the broker's examination hereafter specified; (e) shall have successfully completed a minimum of one hundred twenty (120) hours of courses in real estate as hereafter specified; (f) shall have successfully completed the real estate broker's examination as hereafter specified; and (g) shall have successfully been cleared for licensure by the commission's background investigation as provided in Section 73-35-10; and (h) sign a form under penalty of perjury stating that the applicant will not hire any real estate salespersons for thirty-six (36) months from the date of approval of his or her active real estate salesperson's license. The real estate commission shall create a standard form to comply with the requirements of this section. Upon completion of such restriction provided in this paragraph (h) of this section, the real estate broker is authorized to employ any number of real estate salespersons.

The provisions of paragraph (h) shall not apply to an applicant who seeks to hire a real estate salesperson in less than thirty-six (36) months from the date of approval of his or her active real estate salesperson's license. Any person who desires to hire a real estate salesperson in less than thirty-six (36)

months from the date of approval of his or her active real estate salesperson's license shall: (a) be age twenty-one (21) years or over, and have his or her legal domicile in the State of Mississippi at the time he or she applies; (b) be subject to the jurisdiction of this state, subject to the income tax laws and other excise laws thereof, subject to the road and bridge privilege tax laws thereof; (c) not be an elector in any other state; (d) have held a license as an active real estate salesperson for thirty-six (36) months prior to making application for the broker's examination hereafter specified; (e) have successfully completed a minimum of one hundred twenty (120) hours of courses in real estate as hereafter specified; (f) have successfully completed the real estate broker's examination as hereafter specified; and (g) have successfully been cleared for licensure by the commission's background investigation as provided in Section 73-35-10.

An applicant who has not held an active real estate salesperson's license for a period of at least thirty-six (36) months prior to submitting an application shall have successfully completed a minimum of one hundred fifty (150) classroom hours in real estate courses, which courses are acceptable for credit toward a degree at a college or university as approved by the Southern Association of Colleges and Schools.

Every applicant for a resident license as a real estate salesperson shall be age eighteen (18) years or over, shall be a

bona fide resident of the State of Mississippi prior to filing his application, shall have successfully completed a minimum of sixty (60) hours in courses in real estate as hereafter specified, and shall have successfully completed the real estate salesperson's examination as hereafter specified.

The residency requirements set forth in this section shall not apply to those licensees of other states who qualify and obtain nonresident licenses in this state.

The commission is authorized to exempt from such prelicensing educational requirements, in whole or in part, a real estate licensee of another state who desires to obtain a license under this chapter, provided that the prelicensing educational requirements in the other state are determined by the commission to be equivalent to prelicensing educational requirements in this state and provided that such state extends this same privilege or exemption to Mississippi real estate licensees. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 31. Section 73-35-13, Mississippi Code of 1972, is amended as follows:

73-35-13. (1) In addition to proof of his honesty, trustworthiness and good reputation, the applicant shall take a written examination which shall be held at least four (4) times

each year at regular intervals and on stated times by the commission and shall test reading, writing, spelling, elementary arithmetic and his general knowledge of the statutes of this state relating to real property, deeds, mortgages, agreements of sale, agency, contract, leases, ethics, appraisals, the provisions of this chapter and such other matters the commission certifies as necessary to the practice of real estate brokerage in the State of Mississippi. The examination for a broker's license shall differ from the examination for a salesperson's license, in that it shall be of a more exacting nature and require higher standards of knowledge of real estate. The commission shall cause examinations to be conducted at such times and places as it shall determine.

(2) In event the license of any real estate broker or salesperson is revoked by the commission subsequent to the enactment of this chapter, no new license shall be issued to such person unless he complies with the provisions of this chapter.

(3) No person shall be permitted or authorized to act as a real estate broker or salesperson until he has qualified by examination, except as hereinbefore provided. Any individual who fails to pass the examination for salesperson upon two (2) occasions, shall be ineligible for a similar examination, until after the expiration of three (3) months from the time such individual last took the examination. Any individual who fails to pass the broker's examination upon two (2) occasions, shall be ineligible for a similar examination until after the expiration of

six (6) months from the time such individual last took the examination, and then only upon making application as in the first instance.

(4) If the applicant is a partnership, association or corporation, the examination shall be taken on behalf of the partnership, association or corporation by the member or officer thereof who is designated in the application as the person to receive a license by virtue of the issuing of a license to such partnership, association or corporation.

(5) Upon satisfactorily passing such examination and upon complying with all other provisions of law and conditions of this chapter, a license shall thereupon be issued to the successful applicant who, upon receiving such license, is authorized to conduct the business of a real estate broker or real estate salesperson in this state.

(6) The commission is authorized to exempt from such examination, in whole or in part, a real estate licensee of another state who desires to obtain a license under this chapter, provided that the examination administered in the other state is determined by the commission to be equivalent to such examination given in this state and provided that such other state extends this same privilege or exemption to Mississippi real estate licensees. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who

establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 32. Section 73-36-31, Mississippi Code of 1972, is amended as follows:

73-36-31. A person not a resident of and having no established place of business in Mississippi, or who has recently become a resident, may use the title of registered forester in Mississippi, provided: (a) such person is legally licensed as a registered forester in his own state or county and has submitted evidence to the board that he is so licensed and that the requirements for registration are at least substantially equivalent to the requirements of this chapter; and (b) the state or county in which he is so licensed observes these same rules of reciprocity in regard to persons licensed under this chapter. Each person seeking the privileges of reciprocity granted under this chapter shall submit his application to the board and must receive a card or certificate from the board before exercising such privileges. The fee for obtaining a license through reciprocity shall be the same as charged a Mississippi licensee. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 33. Section 73-38-23, Mississippi Code of 1972, is amended as follows:

73-38-23. (1) The board may waive the examination for licensure of any applicant who presents proof of current licensure in another state, including the District of Columbia, or territory of the United States which maintains professional standards considered by the council to be equivalent to those set forth in this chapter. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(2) The board shall waive the examination for licensure of any person certified as clinically competent by ASHA in the area for which such person is applying for licensure.

SECTION 34. Section 73-39-71, Mississippi Code of 1972, is amended as follows:

73-39-71. (1) The board may issue a license by endorsement to an applicant who furnishes satisfactory proof that he is a graduate of an accredited college of veterinary medicine or the educational equivalence. The applicant must also show that he is a person of good moral character and is licensed to practice veterinary medicine in at least one (1) state, territory or district of the United States and has practiced veterinary medicine in one or more of those states without disciplinary action by any state or federal agency for at least the three (3) years immediately before filing the application.

(2) The board may examine any person qualifying for licensing under this section.

(3) The issuance of a license by endorsement to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 35. Section 73-53-13, Mississippi Code of 1972, is amended as follows:

73-53-13. The board shall issue the appropriate license to applicants who meet the qualifications of this section.

(a) A license as a "licensed social worker" shall be issued to an applicant who demonstrates to the satisfaction of the board that he or she meets the following qualifications:

(i) Has a baccalaureate degree in social work from a college or university accredited by the Council on Social Work Education or Southern Association of Colleges and Schools and has satisfactorily completed the Association for Social Work Boards (ASWB) examination for this license; or

(ii) Has a comparable license or registration from another state or territory of the United States of America that imposes qualifications substantially similar to those of this chapter.

(b) A license as a "licensed master's social worker" shall be issued to an applicant who demonstrates to the

satisfaction of the board that he or she meets the following qualifications:

(i) Has a doctorate or master's degree from a school of social work accredited by the Council on Social Work Education; and

(ii) Has satisfactorily completed the ASWB examination for this license; or

(iii) Has a comparable license or registration from another state or territory of the United States of America that imposes qualifications substantially similar to those of this chapter.

(c) A license as a "licensed certified social worker" shall be issued to an applicant who demonstrates to the satisfaction of the board that he or she meets the following qualifications:

(i) Is licensed under this section as a "master's social worker"; and

(ii) Has twenty-four (24) months of professional supervision and clinical or macro social work practice experience acceptable to the board, under appropriate supervision; and

(iii) Has satisfactorily completed the ASWB examination for this license; or

(iv) Has a comparable license or registration from another state or territory of the United States of America that

imposes qualifications substantially similar to those of this chapter.

(d) In addition to the above qualifications, an applicant for any of the above licenses must prove to the board's satisfaction:

(i) Age of at least twenty-one (21) years, and

(ii) Good moral character, which is a continuing requirement for licensure, and

(iii) United States of America citizenship or status as a legal resident alien, and

(iv) Absence of conviction of a felony related to the practice of social work for the last ten (10) years. Conviction, as used in this subparagraph, includes a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, an admission of guilty, or a plea of nolo contendere, and

(v) That the applicant has not been declared mentally incompetent by any court, and if any such decree has ever been rendered, that the decree has since been changed, and

(vi) Freedom from dependency on alcohol or drugs, and

(vii) Complete criminal history records check, including a fingerprint and an acceptable sex offender check, by appropriate governmental authorities as prescribed by the board.

(e) Only individuals licensed as "certified social workers" shall be permitted to call themselves "clinical social workers."

The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 36. Section 73-54-23, Mississippi Code of 1972, is amended as follows:

73-54-23. The board shall issue a license by examination of credentials to any applicant licensed or certified as a marriage and family therapist in another state that has such requirements for the license or certificate that the board is of the opinion that the applicant is competent to engage in the practice of marriage and family therapy in this state, provided that the applicant submits an application on forms prescribed by the board, has passed the national Examination in Marital and Family Therapy, and pays the original licensure fee prescribed by Section 73-54-25. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 37. Section 73-60-25, Mississippi Code of 1972, is amended as follows:

73-60-25. A home inspector license may be issued to a home inspector from another state who satisfies one (1) of the following requirements: (a) holds a valid certificate of certification, registration or home inspector license in good standing issued by another state, which has requirements for licensure substantially identical to those of this state, or (b) has passed the examination offered by the American Society of Home Inspectors or the National Association of Home Inspectors. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 38. Section 73-63-39, Mississippi Code of 1972, is amended as follows:

73-63-39. (1) The board may sign agreements with boards of registration, licensure or certification in other states, and with other appropriate organizations and agencies, for the purposes of:

(a) Developing uniform standards for registration of professional geologists or enrollment of geologists-in-training;

(b) Accrediting educational programs;

(c) Establishing reciprocity, comity, temporary registration, or mutual recognition of registration or enrollment;

(d) Developing regional or national examinations;

(e) Evaluating applicants; or

(f) Other purposes consistent with this chapter.

(2) Any person holding a valid certificate of registration, licensure or certification for the practice of geology or a recognized specialty of geology, issued under the laws of any state or territory or possession of the United States, or any foreign country, shall be eligible for registration, without examination. The board may issue a certificate of registration to any person who has made application, provided proof of registration, licensure or certification under requirements which the board determines to be substantially similar to those established under this chapter and paid all applicable fees. The issuance of a certificate of registration by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 39. Section 73-65-7, Mississippi Code of 1972, is amended as follows:

73-65-7. (1) The board shall issue a license as a licensed professional art therapist to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant is at least twenty-one (21) years of age, is a registered art therapist as defined by the Art Therapy Credentials Board, Inc., demonstrates professional competency by satisfactorily passing the required examination, and

is a board-certified art therapist as defined by the Art Therapy Credentials Board, Inc.

(2) The board may approve on a case-by-case basis applicants who have a master's degree or a doctoral degree from nonaccredited institutions.

(3) If an applicant has met all of the requirements for licensure except satisfactorily passing the required examination, the applicant shall be scheduled to take the next examination following the approval of the examination.

(4) The board may issue a license to an applicant without examination if the person possesses a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation that in the judgment of the board has requirements substantially equivalent to or exceeding the requirements in this section. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(5) The board may issue provisional licensure as a professional art therapist to any person who has completed the educational requirements established by the Art Therapy Credentials Board, Inc., and has met all requirements for licensure as a professional art therapist, except the experience

and/or examination requirements, and is under the supervision of a supervisor acceptable to the board.

(6) The board may set criteria for continuing education and supervisory experience.

SECTION 40. Section 73-67-25, Mississippi Code of 1972, is amended as follows:

73-67-25. (1) An applicant may be licensed by demonstrating proof that the applicant holds a valid, current license in another state with similar educational requirements to those required by this chapter, and that all other licensure requirements under this chapter are met. This is subject to investigation by the board and excludes grandfathering by other states.

(2) If an individual who is licensed in another state that has licensing standards substantially equivalent to the standards under this chapter applies for licensure, the board may issue a provisional permit authorizing the applicant to practice massage therapy pending completion of documentation that the applicant meets the requirements for licensure under this chapter. The provisional permit may reflect statutory limitations on the scope of practice. The provisional permit shall not be issued until an applicant has successfully passed the Mississippi State Law Examination.

(3) A current massage therapy license issued by the board shall at all times be prominently displayed in any place where massage therapy is being practiced.

(4) A license issued under this chapter is not transferable or assignable.

The issuance of a license or provisional permit by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 41. Section 73-69-11, Mississippi Code of 1972, is amended as follows:

73-69-11. (1) Any person employed by an alarm contracting company shall hold an individual license issued by the State Fire Marshal. Such license shall authorize its holder to engage in alarm contracting, only to the extent of the terms as further provided in this chapter.

(2) Such application shall be accompanied by:

(a) Two (2) suitable photographs of the applicant acceptable to the State Fire Marshal. The State Fire Marshal shall keep one (1) photograph on file and shall make the other photograph a part of any license subsequently issued to the applicant.

(b) Documentation that the applicant meets educational requirements applicable to the type of license for which he is applying, as follows:

(i) For a Class B license: a minimum of Electronic Security Association, Level 2 A and Level 2 B Burglar Alarm training course or the Electronic Security Association, Fire

Alarm Installation Methods and Advanced Intrusion Systems training courses, or equivalent training approved by the State Fire Marshal, and documentation proving residency within a radius of one hundred fifty (150) miles of the office to which he is assigned.

(ii) For a Class C license: a minimum of Electronic Security Association Level 1 Certified Alarm/Security Technician training course, or equivalent training approved by the State Fire Marshal.

(iii) For a Class D license: a minimum of Electronic Security Association, Understanding Electronic Security Systems training course, or equivalent training approved by the State Fire Marshal.

(iv) For a Class H license: application a Class B or Class C license holder that they will provide direct supervision of the Class H licensee.

(c) (i) A statement by the applicant that he has not been convicted of a felony, received a first-time offender pardon for a felony, or entered a plea of guilty or nolo contendere to a felony charge. A felony that has been dismissed pursuant to the Mississippi Criminal Code or equivalent judicial dismissal shall not apply to this paragraph.

(ii) A conviction or a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon shall not constitute an automatic disqualification as

otherwise required pursuant to subparagraph (i) if ten (10) or more years have elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication or period of probation or parole.

(iii) Subparagraph (ii) shall not apply to any person convicted of a felony crime of violence or a sex offense as defined within the Mississippi Criminal Code.

(d) The State Fire Marshal shall have the authority to conduct criminal history verification on a local, state or national level. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.

(e) The application fee authorized by this chapter.

(3) The State Fire Marshal shall have the authority to determine if information submitted by an applicant is in a form acceptable to him. The State Fire Marshal shall verify or have another entity verify information submitted by each applicant.

(4) If the State Fire Marshal finds that an applicant has met the applicable requirements of the alarm licensing law, he shall issue the appropriate type of license to the applicant upon payment of the license fee authorized by this chapter.

(5) Each individual license holder shall maintain his license on his person while engaging in any type of alarm contracting as applicable. Each such license holder shall present his license for inspection upon demand by an employee of the Office of the State Fire Marshal or a law enforcement officer.

(6) Each individual license holder shall notify the State Fire Marshal, on a form specified and provided by the State Fire Marshal, within ten (10) days of the following:

(a) Any change in business or home address.

(b) Any separation from an employer or change in employer.

(c) Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon.

(7) No individual licensed under this chapter shall contract for his services as an independent contractor or agent without applying for and being issued a Class A license per Section

73-69-9. No alarm contracting company shall contract for the independent services of a holder of an individual license under this section.

(8) The State Fire Marshal may enter into reciprocal agreements with other states for mutual recognition of individual license holders, if the State Fire Marshal has established the criteria for acceptance of reciprocal agreements by rule or regulation. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(9) If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.

SECTION 42. Section 73-71-21, Mississippi Code of 1972, is amended as follows:

73-71-21. The board may, at its discretion, issue a license without examination to an acupuncture practitioner who has been licensed, certified or otherwise formally legally recognized as an

acupuncturist or acupuncture practitioner in any state or territory if all three (3) of the following conditions are met to its satisfaction:

(a) The applicant meets the requirements of practice in the state or territory in which the applicant is licensed, certified, or registered as an acupuncturist or acupuncture practitioner;

(b) The requirements for practice in the state or territory in which the applicant is licensed, certified or registered as an acupuncturist or acupuncture practitioner are at least as stringent as those of this state; and

(c) The state or territory in which the applicant is licensed, certified or legally recognized as an acupuncturist or acupuncture practitioner permits an acupuncture practitioner licensed in this state to practice acupuncture or acupuncture in that jurisdiction by credentials examination.

The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 43. Section 73-73-11, Mississippi Code of 1972, is amended as follows:

73-73-11. The board and IDAC may accept applications for Mississippi certification from an interior designer in another jurisdiction pursuant to Section 73-73-7 or 73-73-9. The issuance

of a certification by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 44. Section 73-75-15, Mississippi Code of 1972, is amended as follows:

73-75-15. **Waiver of eligibility requirements.** The board may waive the examination for licensure of any applicant who presents proof of current licensure in another state, including the District of Columbia, or territory of the United States which maintains professional standards considered by the board to be equivalent to those set forth in this chapter. The issuance of a license by reciprocity to a military-trained applicant * * *, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 45. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1323

Description: Open meeting; authorize executive session for discussion of plans to combat human trafficking and commercial sexual exploitation of children.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary B
2	02/01	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/18	(S) Referred To Rules
6	03/01	(S) Title Suff Do Pass
7	03/10	(S) Amended
8	03/10	(S) Passed As Amended {Vote}
9	03/11	(S) Returned For Concurrence
10	03/16	(H) Concurred in Amend From Senate {Vote}
11	03/18	(H) Enrolled Bill Signed
12	03/18	(S) Enrolled Bill Signed
13	03/24	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1323

Code Section: A 025-0041-0007, BF 025-0041-0003

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Rules

Principal Author: Gunn
Additional Authors: McLean, Summers

Title: AN ACT TO AMEND SECTION 25-41-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY PUBLIC BODY TO ENTER INTO EXECUTIVE SESSION FOR STRATEGIC DEVELOPMENT OF PLANS TO COMBAT, ELIMINATE,

REDUCE OR RESPOND TO HUMAN TRAFFICKING OR COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN; TO BRING FORWARD SECTION 25-41-3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES DEFINITIONS FOR THE PROVISIONS OF LAW THAT REGULATE OPEN MEETINGS, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1323

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Gunn, McLean, Summers To: Judiciary B

HOUSE BILL NO. 1323
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-41-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY PUBLIC BODY TO ENTER INTO EXECUTIVE SESSION FOR STRATEGIC DEVELOPMENT OF PLANS TO COMBAT, ELIMINATE, REDUCE OR RESPOND TO HUMAN TRAFFICKING OR COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN; TO BRING FORWARD SECTION 25-41-3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES DEFINITIONS FOR THE PROVISIONS OF LAW THAT REGULATE OPEN MEETINGS, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-41-7, Mississippi Code of 1972, is amended as follows:

25-41-7. (1) Any public body may enter into executive session for the transaction of public business; however, all meetings of any public body shall commence as an open meeting, and an affirmative vote of three-fifths (3/5) of all members present shall be required to declare an executive session.

(2) The procedure to be followed by any public body in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed determination upon the issue of whether or not to declare an executive session. The motion, by majority vote, shall require the meeting to be

closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote, as required in subsection (1) hereof, has been taken on the issue.

(3) An executive session shall be limited to matters allowed to be exempted from open meetings by subsection (4) of this section. The reason for holding an executive session shall be stated in an open meeting, and the reason so stated shall be recorded in the minutes of the meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or to defeat the purposes of this chapter.

(4) A public body may hold an executive session pursuant to this section for one or more of the following reasons:

(a) Transaction of business and discussion of personnel matters relating to the job performance, character, professional competence, or physical or mental health of a person holding a specific position, or matters relating to the terms of any potential or current employment or services agreement with any physicians or other employees of public hospitals, including any discussion of any person applying for medical staff privileges or membership with a public hospital.

(b) Strategy sessions or negotiations with respect to prospective litigation, litigation or issuance of an appealable

order when an open meeting would have a detrimental effect on the litigating position of the public body.

(c) Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.

(d) Investigative proceedings by any public body regarding allegations of misconduct or violation of law.

(e) Any body of the Legislature which is meeting on matters within the jurisdiction of that body.

(f) Cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons or property, or both, within the jurisdiction of the public body.

(g) Transaction of business and discussion regarding the prospective purchase, sale or leasing of lands.

(h) Discussions between a school board and individual students who attend a school within the jurisdiction of the school board or the parents or teachers of the students regarding problems of the students or their parents or teachers.

(i) Transaction of business and discussion concerning the preparation of tests for admission to practice in recognized professions.

(j) Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business, medical service or an industry.

(k) Transaction of business and discussions regarding employment or job performance of a person in a specific position or termination of an employee holding a specific position. The exemption provided by this paragraph includes transaction of business and discussion in executive session by the board of trustees of a public hospital regarding any employee or medical staff member or applicant for medical staff privileges and any such individual's credentialing, health, performance, salary, raises or disciplinary action. The exemption provided by this paragraph includes the right to enter into executive session concerning a line item in a budget which might affect the termination of an employee or employees. All other budget items shall be considered in open meetings and final budgetary adoption shall not be taken in executive session.

(l) Discussions regarding material or data exempt from the Mississippi Public Records Act of 1983 pursuant to Section 25-11-121.

(m) Transaction of business and discussion regarding prospective strategic business decisions of public hospitals, including without limitation, decisions to open a new service line, implement capital improvements, or file applications for certificates of need or determinations of nonreviewability with the State Department of Health.

(n) Transaction of business of the boards of trustees of public hospitals that would require discussion of any

identifiable patient information, including without limitation, patient complaints, patients' accounts, patients receiving charity care, or treatment that could be identified to a patient.

(o) Investigative discussions, investigative strategies, probative strategies related to identifiable instances of human trafficking or commercial sexual exploitation, and discussions involving locations of shelters or safe-houses for victims of human trafficking or commercial sexual exploitation.

(p) Transaction of business of committees, subcommittees or boards that would require discussion of any identifiable information of victims of human trafficking or children under eighteen years old who are victims of commercial sexual exploitation.

(5) The total vote on the question of entering into an executive session shall be recorded and spread upon the minutes of the public body.

(6) Any vote whereby an executive session is declared shall be applicable only to that particular meeting on that particular day.

SECTION 2. Section 25-41-3, Mississippi Code of 1972, is brought forward as follows:

25-41-3. For purposes of this chapter, the following words shall have the meaning ascribed herein, to wit:

(a) "Public body" means any executive or administrative board, commission, authority, council, department, agency, bureau

or any other policymaking entity, or committee thereof, of the State of Mississippi, or any political subdivision or municipal corporation of the state, whether the entity be created by statute or executive order, which is supported wholly or in part by public funds or expends public funds, and any standing, interim or special committee of the Mississippi Legislature. The term "public body" includes the governing board of a charter school authorized by the Mississippi Charter School Authorizer Board and the board of trustees of a community hospital as defined in Section 41-13-10. The term "public body" includes the Mississippi Lottery Corporation. There shall be exempted from the provisions of this chapter:

(i) The judiciary, including all jury deliberations;

(ii) Law enforcement officials;

(iii) The military;

(iv) The State Probation and Parole Board;

(v) The Workers' Compensation Commission;

(vi) Legislative subcommittees and legislative conference committees;

(vii) The arbitration council established in Section 69-3-19;

(viii) License revocation, suspension and disciplinary proceedings held by the Mississippi State Board of Dental Examiners; and

(ix) Hearings and meetings of the Board of Tax Appeals and of the hearing officers and the board of review of the Department of Revenue as provided in Section 27-77-15.

(b) "Meeting" means an assemblage of members of a public body at which official acts may be taken upon a matter over which the public body has supervision, control, jurisdiction or advisory power, including an assemblage through the use of video or teleconference devices that conforms to Section 25-41-5.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1326

Description: Compact for a Balanced Budget; revise delegate membership and extend sunset provision.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Rules
2	02/02	(H) Title Suff Do Pass
3	02/10	(H) Read the Third Time
4	02/11	(H) Amended
5	02/11	(H) Passed As Amended {Vote}
6	02/11	(H) Immediate Release
7	02/11	(H) Transmitted To Senate
8	02/16	(S) Referred To Rules
9	03/01	(S) Title Suff Do Pass
10	03/10	(S) Passed {Vote}
11	03/11	(S) Returned For Enrolling
12	03/12	(H) Enrolled Bill Signed
13	03/12	(S) Enrolled Bill Signed
14	03/17	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 003-0007-0001

----- Additional Information -----

House Committee: Rules
Senate Committee: Rules

Principal Author: Read
Additional Authors: Brown (20th), Eubanks

Title: AN ACT TO AMEND SECTION 3-7-1, MISSISSIPPI CODE OF 1972, RELATING TO THE COMPACT FOR A BALANCED BUDGET TO REVISE THE MEMBERSHIP OF DELEGATES TO THE CONVENTION TO DECIDE ISSUES ON

BEHALF OF THIS MEMBER STATE AND TO EXTEND THE SUNSET PROVISION OF THE COMPACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Read, Brown (20th), Eubanks

To: Rules

HOUSE BILL NO. 1326
(As Passed the House)

AN ACT TO AMEND SECTION 3-7-1, MISSISSIPPI CODE OF 1972, RELATING TO THE COMPACT FOR A BALANCED BUDGET TO REVISE THE MEMBERSHIP OF DELEGATES TO THE CONVENTION TO DECIDE ISSUES ON BEHALF OF THIS MEMBER STATE AND TO EXTEND THE SUNSET PROVISION OF THE COMPACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 3-7-1, Mississippi Code of 1972, is amended as follows:

3-7-1. The State of Mississippi enacts, adopts and agrees to be bound by the following Compact:

ARTICLE I

DECLARATION OF POLICY, PURPOSE AND INTENT

WHEREAS, every State enacting, adopting and agreeing to be bound by this Compact intends to ensure that their respective Legislature's use of the power to originate a Balanced Budget Amendment under Article V of the Constitution of the United States will be exercised conveniently and with reasonable certainty as to the consequences thereof.

NOW, THEREFORE, in consideration of their expressed mutual promises and obligations, be it enacted by every State enacting, adopting and agreeing to be bound by this Compact, and resolved by each of their respective Legislatures, as the case may be, to exercise herewith all of their respective powers as set forth herein notwithstanding any law to the contrary.

ARTICLE II

DEFINITIONS

Section 1. "Compact" means this "Compact for a Balanced Budget."

Section 2. "Convention" means the convention for proposing amendments organized by this Compact under Article V of the Constitution of the United States and, where contextually appropriate to ensure the terms of this Compact are not evaded, any other similar gathering or body, which might be organized as a consequence of Congress receiving the application set out in this Compact and claim authority to propose or effectuate any amendment, alteration or revision to the Constitution of the United States. This term does not encompass a convention for proposing amendments under Article V of the Constitution of the United States that is organized independently of this Compact based on the separate and distinct application of any State.

Section 3. "State" means one of the several States of the United States. Where contextually appropriate, the term "State" shall be construed to include all of its branches, departments,

agencies, political subdivisions, and officers and representatives acting in their official capacity.

Section 4. "Member State" means a State that has enacted, adopted and agreed to be bound to this Compact. For any State to qualify as a Member State with respect to any other State under this Compact, each such State must have enacted, adopted and agreed to be bound by substantively identical compact legislation.

Section 5. "Compact Notice Recipients" means the Archivist of the United States, the President of the United States, the President of the United States Senate, the Office of the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Office of the Clerk of the United States House of Representatives, the chief executive officer of each State, and the presiding officer(s) of each house of the Legislatures of the several States.

Section 6. Notice. All notices required by this Compact shall be by U.S. Certified Mail, return receipt requested, or an equivalent or superior form of notice, such as personal delivery documented by evidence of actual receipt.

Section 7. "Balanced Budget Amendment" means the following: "Article __

Section 1. Total outlays of the government of the United States shall not exceed total receipts of the government of the United States at any point in time unless the excess of

outlays over receipts is financed exclusively by debt issued in strict conformity with this article.

Section 2. Outstanding debt shall not exceed authorized debt, which initially shall be an amount equal to one hundred five percent (105%) of the outstanding debt on the effective date of this article. Authorized debt shall not be increased above its aforesaid initial amount unless such increase is first approved by the legislatures of the several states as provided in Section 3.

Section 3. From time to time, Congress may increase authorized debt to an amount in excess of its initial amount set by Section 2 only if it first publicly refers to the legislatures of the several states an unconditional, single subject measure proposing the amount of such increase, in such form as provided by law, and the measure is thereafter publicly and unconditionally approved by a simple majority of the legislatures of the several states, in such form as provided respectively by state law; provided that no inducement requiring an expenditure or tax levy shall be demanded, offered or accepted as a quid pro quo for such approval. If such approval is not obtained within sixty (60) calendar days after referral then the measure shall be deemed disapproved and the authorized debt shall thereby remain unchanged.

Section 4. Whenever the outstanding debt exceeds ninety-eight percent (98%) of the debt limit set by Section 2, the President shall enforce said limit by publicly designating

specific expenditures for impoundment in an amount sufficient to ensure outstanding debt shall not exceed the authorized debt. Said impoundment shall become effective thirty (30) days thereafter, unless Congress first designates an alternate impoundment of the same or greater amount by concurrent resolution, which shall become immediately effective. The failure of the President to designate or enforce the required impoundment is an impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess of the debt limit set by Section 2 is void.

Section 5. No bill that provides for a new or increased general revenue tax shall become law unless approved by a two-thirds (2/3) roll call vote of the whole number of each House of Congress. However, this requirement shall not apply to any bill that provides for a new end user sales tax which would completely replace every existing income tax levied by the government of the United States; or for the reduction or elimination of an exemption, deduction, or credit allowed under an existing general revenue tax.

Section 6. For purposes of this article, "debt" means any obligation backed by the full faith and credit of the government of the United States; "outstanding debt" means all debt held in any account and by any entity at a given point in time; "authorized debt" means the maximum total amount of debt that may be lawfully issued and outstanding at any single point in time

under this article; "total outlays of the government of the United States" means all expenditures of the government of the United States from any source; "total receipts of the government of the United States" means all tax receipts and other income of the government of the United States, excluding proceeds from its issuance or incurrence of debt or any type of liability; "impoundment" means a proposal not to spend all or part of a sum of money appropriated by Congress; and "general revenue tax" means any income tax, sales tax, or value-added tax levied by the government of the United States excluding imposts and duties.

Section 7. This article is immediately operative upon ratification, self-enforcing, and Congress may enact conforming legislation to facilitate enforcement."

ARTICLE III

COMPACT MEMBERSHIP AND WITHDRAWAL

Section 1. This Compact governs each Member State to the fullest extent permitted by their respective constitutions, superseding and repealing any conflicting or contrary law.

Section 2. By becoming a Member State, each such State offers, promises and agrees to perform and comply strictly in accordance with the terms and conditions of this Compact, and has made such offer, promise and agreement in anticipation and consideration of, and in substantial reliance upon, such mutual and reciprocal performance and compliance by each other current and future Member State, if any. Accordingly, in addition to

having the force of law in each Member State upon its respective effective date, this Compact and each of its Articles shall also be construed as contractually binding each Member State when: (a) at least one other State has likewise become a Member State by enacting substantively identical legislation adopting and agreeing to be bound by this Compact; and (b) notice of such State's Member State status is or has been seasonably received by the Compact Administrator, if any, or otherwise by the chief executive officer of each other Member State.

Section 3. For purposes of determining Member State status under this Compact, as long as all other provisions of the Compact remain identical and operative on the same terms, legislation enacting, adopting and agreeing to be bound by this Compact shall be deemed and regarded as "substantively identical" with respect to such other legislation enacted by another State notwithstanding: (a) any difference in Section 2 of Article IV with specific regard to the respectively enacting State's own method of appointing its member to the Commission; (b) any difference in Section 5 of Article IV with specific regard to the respectively enacting State's own obligation to fund the Commission; (c) any difference in Sections 1 and 2 of Article VI with specific regard to the number and identity of each delegate respectively appointed on behalf of the enacting State, provided that no more than three (3) delegates may attend and participate in the Convention on behalf of any State; or (d) any difference in

Section 7 of Article X with specific regard to the respectively enacting State as to whether Section 1 of Article V of this Compact shall survive termination of the Compact, and thereafter become a continuing resolution of the Legislature of such State applying to Congress for the calling of a convention of the states under Article V of the Constitution of the United States, under such terms and limitations as may be specified by such State.

Section 4. When fewer than three-fourths (3/4) of the States are Member States, any Member State may withdraw from this Compact by enacting appropriate legislation, as determined by state law, and giving notice of such withdrawal to the Compact Administrator, if any, or otherwise to the chief executive officer of each other Member State. A withdrawal shall not affect the validity or applicability of the Compact with respect to remaining Member States, provided that there remain at least two (2) such States. However, once at least three-fourths (3/4) of the States are Member States, then no Member State may withdraw from the Compact prior to its termination absent unanimous consent of all Member States.

ARTICLE IV

COMPACT COMMISSION AND COMPACT ADMINISTRATOR

Section 1. Nature of the Compact Commission. The Compact Commission (Commission) is hereby established. It has the power and duty: (a) to appoint and oversee a Compact Administrator; (b) to encourage States to join the Compact and Congress to call the

Convention in accordance with this Compact; (c) to coordinate the performance of obligations under the Compact; (d) to oversee the Convention's logistical operations as appropriate to ensure this Compact governs its proceedings; (e) to oversee the defense and enforcement of the Compact in appropriate legal venues; (f) to request funds and to disburse those funds to support the operations of the Commission, Compact Administrator, and Convention; and (g) to cooperate with any entity that shares a common interest with the Commission and engages in policy research, public interest litigation or lobbying in support of the purposes of the Compact. The Commission shall only have such implied powers as are essential to carrying out these express powers and duties. It shall take no action that contravenes or is inconsistent with this Compact or any law of any State that is not superseded by this Compact. It may adopt and publish corresponding bylaws and policies.

Section 2. Commission Membership. The Commission initially consists of three (3) unpaid members. Each Member State may appoint one (1) member to the Commission through an appointment process to be determined by their respective chief executive officer until all positions on the Commission are filled. Positions shall be assigned to appointees in the order in which their respective appointing States became Member States. The bylaws of the Commission may expand its membership to include representatives of additional Member States and to allow for

modest salaries and reimbursement of expenses if adequate funding exists.

Section 3. Commission Action. Each Commission member is entitled to one (1) vote. The Commission shall not act unless a majority of its appointed membership is present, and no action shall be binding unless approved by a majority of the Commission's appointed membership. The Commission shall meet at least once a year, and may meet more frequently.

Section 4. First Order of Business. The Commission shall at the earliest possible time elect from among its membership a Chairperson, determine a primary place of doing business, and appoint a Compact Administrator.

Section 5. Funding. The Commission and the Compact Administrator's activities shall be funded exclusively by each Member State, as determined by their respective state law, or by voluntary donations.

Section 6. Compact Administrator. The Compact Administrator has the power and duty: (a) to timely notify the States of the date, time and location of the Convention; (b) to organize and direct the logistical operations of the Convention; (c) to maintain an accurate list of all Member States, their appointed delegates, including contact information; and (d) to formulate, transmit, and maintain all official notices, records, and communications relating to this Compact. The Compact Administrator shall only have such implied powers as are essential

to carrying out these express powers and duties; and shall take no action that contravenes or is inconsistent with this Compact or any law of any State that is not superseded by this Compact. The Compact Administrator serves at the pleasure of the Commission and must keep the Commission seasonably apprised of the performance or nonperformance of the terms and conditions of this Compact. Any notice sent by a Member State to the Compact Administrator concerning this Compact shall be adequate notice to each other Member State provided that a copy of said notice is seasonably delivered by the Compact Administrator to each other Member State's respective chief executive officer.

Section 7. Notice of Key Events. Upon the occurrence of each of the following described events, or otherwise as soon as possible, the Compact Administrator shall immediately send the following notices to all Compact Notice Recipients, together with certified conforming copies of the chaptered version of this Compact as maintained in the statutes of each Member State: (a) whenever any State becomes a Member State, notice of that fact shall be given; (b) once at least three-fourths (3/4) of the States are Member States, notice of that fact shall be given together with a statement declaring that the Legislatures of at least two-thirds (2/3) of the several States have applied for a convention for proposing amendments under Article V of the Constitution of the United States, petitioning Congress to call the Convention contemplated by this Compact, and further

requesting cooperation in organizing the same in accordance with this Compact; (c) once Congress has called the Convention contemplated by this Compact, and whenever the date, time and location of the Convention has been determined, notice of that fact shall be given together with the date, time and location of the Convention and other essential logistical matters; (d) upon approval of the Balanced Budget Amendment by the Convention, notice of that fact shall be given together with the transmission of certified copies of such approved proposed amendment and a statement requesting Congress to refer the same for ratification by three-fourths (3/4) of the Legislatures of the several States under Article V of the Constitution of the United States (however, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted); and (e) when any Article of this Compact prospectively ratifying the Balanced Budget Amendment is effective in any Member State, notice of the same shall be given together with a statement declaring such ratification and further requesting cooperation in ensuring that the official record confirms and reflects the effective corresponding amendment to the Constitution of the United States. However, whenever any Member State enacts appropriate legislation, as determined by the laws of the respective state, withdrawing from this Compact, the Compact Administrator shall immediately send certified conforming copies of the chaptered version of such withdrawal legislation as maintained in the statutes of each such withdrawing Member State,

solely to each chief executive officer of each remaining Member State, giving notice of such withdrawal.

Section 8. Cooperation. The Commission, Member States and Compact Administrator shall cooperate with each other and give each other mutual assistance in enforcing this Compact and shall give the chief law enforcement officer of each other Member State any information or documents that are reasonably necessary to facilitate the enforcement of this Compact.

Section 9. This Article does not take effect until there are at least two (2) Member States.

ARTICLE V

RESOLUTION APPLYING FOR CONVENTION

Section 1. Be it resolved, as provided for in Article V of the Constitution of the United States, the Legislature of each Member State herewith applies to Congress for the calling of a convention for proposing amendments limited to the subject matter of proposing for ratification the Balanced Budget Amendment.

Section 2. Congress is further petitioned to refer the Balanced Budget Amendment to the States for ratification by three-fourths (3/4) of their respective Legislatures.

Section 3. This Article does not take effect until at least three-fourths (3/4) of the several States are Member States.

ARTICLE VI

DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

Section 1. Number of Delegates. * * * This Member State shall be entitled to three (3) delegates to represent its sovereign interests at the Convention.

Section 2. Identity of Delegates. * * * The Governor, Speaker of the House of Representatives, and President of the Senate of this Member State, who are in office at the time of the Convention, or their respective designee, as identified in a sworn affidavit executed by such officer, are each appointed in an individual capacity to represent this Member State at the Convention as its sole and exclusive delegates. A majority vote of this delegation shall serve to decide any issue at the Convention on behalf of this Member State.

Section 3. Replacement or Recall of Delegates. A delegate appointed hereunder may be replaced or recalled by the Legislature of his or her respective State at any time for good cause, such as criminal misconduct or the violation of this Compact. If replaced or recalled, any delegate previously appointed hereunder must immediately vacate the Convention and return to their respective State's capitol.

Section 4. Oath. The power and authority of a delegate under this Article may only be exercised after the Convention is first called by Congress in accordance with this Compact and such appointment is duly accepted by such appointee publicly taking the following oath or affirmation: "I do solemnly swear (or affirm) that I accept this appointment and will act strictly in accordance

with the terms and conditions of the Compact for a Balanced Budget, the Constitution of the State I represent, and the Constitution of the United States. I understand that violating this oath (or affirmation) forfeits my appointment and may subject me to other penalties as provided by law."

Section 5. Term. The term of a delegate hereunder commences upon acceptance of appointment and terminates upon the permanent adjournment of the Convention, unless shortened by recall, replacement or forfeiture under this Article. Upon expiration of such term, any person formerly serving as a delegate must immediately withdraw from and cease participation at the Convention, if any is proceeding.

Section 6. Delegate Authority. The power and authority of any delegate appointed hereunder is strictly limited: (a) to introducing, debating, voting upon, proposing and enforcing the Convention Rules specified in this Compact, as needed to ensure those rules govern the Convention; and (b) to introducing, debating, voting upon, and rejecting or proposing for ratification the Balanced Budget Amendment. All actions taken by any delegate in violation of this section are void ab initio.

Section 7. Delegate Authority. No delegate of any Member State may introduce, debate, vote upon, reject or propose for ratification any constitutional amendment at the Convention unless: (a) the Convention Rules specified in this Compact govern

the Convention and their actions; and (b) the constitutional amendment is the Balanced Budget Amendment.

Section 8. Delegate Authority. The power and authority of any delegate at the Convention does not include any power or authority associated with any other public office held by the delegate. Any person appointed to serve as a delegate shall take a temporary leave of absence, or otherwise shall be deemed temporarily disabled, from any other public office held by the delegate while attending the Convention, and may not exercise any power or authority associated with any other public office held by the delegate, while attending the Convention. All actions taken by any delegate in violation of this section are void ab initio.

Section 9. Order of Business. Before introducing, debating, voting upon, rejecting or proposing for ratification any constitutional amendment at the Convention, each delegate of every Member State must first ensure the Convention Rules in this Compact govern the Convention and their actions. Every delegate and each Member State must immediately vacate the Convention and notify the Compact Administrator by the most effective and expeditious means if the Convention Rules in this Compact are not adopted to govern the Convention and their actions.

Section 10. Forfeiture of Appointment. If any Member State or delegate violates any provision of this Compact, then every delegate of that Member State immediately forfeits his or her appointment, and shall immediately cease participation at the

Convention, vacate the Convention, and return to his or her respective State's capitol.

Section 11. Expenses. A delegate appointed hereunder is entitled to reimbursement of reasonable expenses for attending the Convention from his or her respective Member State. No delegate may accept any other form of remuneration or compensation for service under this Compact.

ARTICLE VII

CONVENTION RULES

Section 1. Nature of the Convention. The Convention shall be organized, construed and conducted as a body exclusively representing and constituted by the several States.

Section 2. Agenda of the Convention. The agenda of the Convention shall be entirely focused upon and exclusively limited to introducing, debating, voting upon, and rejecting or proposing for ratification the Balanced Budget Amendment under the Convention Rules specified in this Article and in accordance with the Compact. It shall not be in order for the Convention to consider any matter that is outside the scope of this agenda.

Section 3. Delegate Identity and Procedure. States shall be represented at the Convention through duly appointed delegates. The number, identity and authority of delegates assigned to each State shall be determined by this Compact in the case of Member States or, in the case of States that are not Member States, by their respective state laws. However, to prevent disruption of

proceedings, no more than three (3) delegates may attend and participate in the Convention on behalf of any State. A certified chaptered conforming copy of this Compact, together with government-issued photographic proof of identification, shall suffice as credentials for delegates of Member States. Any commission for delegates of States that are not Member States shall be based on their respective state laws, but it shall furnish credentials that are at least as reliable as those required of Member States.

Section 4. Voting. Each State represented at the Convention shall have one (1) vote, exercised by the vote of that State's delegate in the case of States represented by one delegate, or, in the case of any State that is represented by more than one delegate, by the majority vote of that State's respective delegates.

Section 5. Quorum. A majority of the several States of the United States, each present through its respective delegate in the case of any State that is represented by one (1) delegate, or through a majority of its respective delegates, in the case of any State that is represented by more than one (1) delegate, shall constitute a quorum for the transaction of any business on behalf of the Convention.

Section 6. Action by the Convention. The Convention shall only act as a committee of the whole, chaired by the delegate representing the first State to have become a Member State, if

that State is represented by one (1) delegate, or otherwise by the delegate chosen by the majority vote of that State's respective delegates. The transaction of any business on behalf of the Convention, including the designation of a Secretary, the adoption of parliamentary procedures and the rejection or proposal of any constitutional amendment, requires a quorum to be present and a majority affirmative vote of those States constituting the quorum.

Section 7. Emergency Suspension and Relocation of the Convention. In the event that the Chair of the Convention declares an emergency due to disorder or an imminent threat to public health and safety prior to the completion of the business on the Agenda, and a majority of the States present at the Convention do not object to such declaration, further Convention proceedings shall be temporarily suspended, and the Commission shall subsequently relocate or reschedule the Convention to resume proceedings in an orderly fashion in accordance with the terms and conditions of this Compact with prior notice given to the Compact Notice Recipients.

Section 8. Parliamentary Procedure. In adopting, applying and formulating parliamentary procedure, the Convention shall exclusively adopt, apply or appropriately adapt provisions of the most recent editions of Robert's Rules of Order and the American Institute of Parliamentarians Standard Code of Parliamentary Procedure. In adopting, applying or adapting parliamentary procedure, the Convention shall exclusively consider analogous

precedent arising within the jurisdiction of the United States. Parliamentary procedures adopted, applied or adapted pursuant to this section shall not obstruct, override or otherwise conflict with this Compact.

Section 9. Transmittal. Upon approval of the Balanced Budget Amendment by the Convention to propose for ratification, the Chair of the Convention shall immediately transmit certified copies of such approved proposed amendment to the Compact Administrator and all Compact Notice Recipients, notifying them respectively of such approval and requesting Congress to refer the same for ratification by the States under Article V of the Constitution of the United States. However, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted as aforesaid.

Section 10. Transparency. Records of the Convention, including the identities of all attendees and detailed minutes of all proceedings, shall be kept by the Chair of the Convention or Secretary designated by the Convention. All proceedings and records of the Convention shall be open to the public upon request subject to reasonable regulations adopted by the Convention that are closely tailored to preventing disruption of proceedings under this Article.

Section 11. Adjournment of the Convention. The Convention shall permanently adjourn upon the earlier of twenty-four (24)

hours after commencing proceedings under this Article or the completion of the business on its Agenda.

ARTICLE VIII

PROHIBITION ON ULTRA VIRES CONVENTION

Section 1. Member States shall not participate in the Convention unless: (a) Congress first calls the Convention in accordance with this Compact; and (b) the Convention Rules of this Compact are adopted by the Convention as its first order of business.

Section 2. Any proposal or action of the Convention is void ab initio and issued by a body that is conducting itself in an unlawful and ultra vires fashion if that proposal or action: (a) violates or was approved in violation of the Convention Rules or the delegate instructions and limitations on delegate authority specified in this Compact; (b) purports to propose or effectuate a mode of ratification that is not specified in Article V of the Constitution of the United States; or (c) purports to propose or effectuate the formation of a new government. All Member States are prohibited from advancing or assisting in the advancement of any such proposal or action.

Section 3. Member States shall not ratify or otherwise approve any proposed amendment, alteration or revision to the Constitution of the United States, which originates from the Convention, other than the Balanced Budget Amendment.

ARTICLE IX

RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT

Section 1. Each Member State, by and through its respective Legislature, hereby adopts and ratifies the Balanced Budget Amendment.

Section 2. This Article does not take effect until Congress effectively refers the Balanced Budget Amendment to the States for ratification by three-fourths (3/4) of the Legislatures of the several States under Article V of the Constitution of the United States.

ARTICLE X

CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

Section 1. To the extent that the effectiveness of this Compact or any of its Articles or provisions requires the alteration of local legislative rules, drafting policies, or procedure to be effective, the enactment of legislation enacting, adopting and agreeing to be bound by this Compact shall be deemed to waive, repeal, supersede, or otherwise amend and conform all such rules, policies or procedures to allow for the effectiveness of this Compact to the fullest extent permitted by the constitution of any affected Member State.

Section 2. Date and Location of the Convention. Unless otherwise specified by Congress in its call, the Convention shall be held in Dallas, Texas, and commence proceedings at 9:00 a.m. Central Standard Time on the sixth Wednesday after the latter of

the effective date of Article V of this Compact or the enactment date of the Congressional resolution calling the Convention.

Section 3. In addition to all other powers and duties conferred by state law which are consistent with the terms and conditions of this Compact, the chief law enforcement officer of each Member State is empowered to defend the Compact from any legal challenge, as well as to seek civil mandatory and prohibitory injunctive relief to enforce this Compact; and shall take such action whenever the Compact is challenged or violated.

Section 4. The exclusive venue for all actions in any way arising under this Compact shall be in the United States District Court for the Northern District of Texas or the courts of the State of Texas within the jurisdictional boundaries of the foregoing district court. Each Member State shall submit to the jurisdiction of said courts with respect to such actions. However, upon written request by the chief law enforcement officer of any Member State, the Commission may elect to waive this provision for the purpose of ensuring an action proceeds in the venue that allows for the most convenient and effective enforcement or defense of this Compact. Any such waiver shall be limited to the particular action to which it is applied and not construed or relied upon as a general waiver of this provision. The waiver decisions of the Commission under this provision shall be final and binding on each Member State.

Section 5. The effective date of this Compact and any of its Articles is the latter of: (a) the date of any event rendering the same effective according to its respective terms and conditions; or (b) the earliest date otherwise permitted by law.

Section 6. Article VIII of this Compact is hereby deemed non-severable prior to termination of the Compact. However, if any other phrase, clause, sentence or provision of this Compact, or the applicability of any other phrase, clause, sentence or provision of this Compact to any government, agency, person or circumstance, is declared in a final judgment to be contrary to the Constitution of the United States, contrary to the state constitution of any Member State, or is otherwise held invalid by a court of competent jurisdiction, such phrase, clause, sentence or provision shall be severed and held for naught, and the validity of the remainder of this Compact and the applicability of the remainder of this Compact to any government, agency, person or circumstance shall not be affected. Furthermore, if this Compact is declared in a final judgment by a court of competent jurisdiction to be entirely contrary to the state constitution of any Member State or otherwise entirely invalid as to any Member State, such Member State shall be deemed to have withdrawn from the Compact, and the Compact shall remain in full force and effect as to any remaining Member State. Finally, if this Compact is declared in a final judgment by a court of competent jurisdiction to be wholly or substantially in violation of Article I, Section

10, of the Constitution of the United States, then it shall be construed and enforced solely as reciprocal legislation enacted by the affected Member State(s).

Section 7. Termination. This Compact shall terminate and be held for naught when the Compact is fully performed and the Constitution of the United States is amended by the Balanced Budget Amendment. However, notwithstanding anything to the contrary set forth in this Compact, in the event such amendment does not occur * * * on or before April 12, 2031, the Compact shall terminate as follows: (a) the Commission shall dissolve and wind up its operations within ninety (90) days thereafter, with the Compact Administrator giving notice of such dissolution and the operative effect of this section to the Compact Notice Recipients; and (b) upon the completed dissolution of the Commission, this Compact shall be deemed terminated, repealed, void ab initio, and held for naught.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 1356

Description: Income tax; revise deduction for depreciation regarding certain aircraft and equipment.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	02/08	(H) Referred To Ways and Means
2	02/19	(H) Title Suff Do Pass As Amended
3	02/22	(H) Read the Third Time
4	02/24	(H) Amended
5	02/24	(H) Passed As Amended {Vote}
6	02/25	(H) Transmitted To Senate
7	03/09	(S) Referred To Finance
8	03/15	(S) Title Suff Do Pass As Amended
9	03/16	(S) Amended
10	03/16	(S) Passed As Amended {Vote}
11	03/17	(S) Returned For Concurrence
12	03/19	(H) Decline to Concur/Invite Conf
13	03/23	(H) Conferees Named Lamar,Steverson,Massengill
14	03/24	(S) Conferees Named Harkins,Kirby,Boyd
15	03/27	(H) Conference Report Filed
16	03/27	(S) Conference Report Filed
17	03/28	(H) Conference Report Adopted {Vote}
18	03/28	(S) Conference Report Adopted {Vote}
19	03/30	(H) Enrolled Bill Signed
20	03/30	(S) Enrolled Bill Signed
21	04/06	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1356

Conference Reports:

Conference Report

Code Section: A 027-0007-0017

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar
Additional Authors: Deweese, Steverson

Title: AN ACT TO AMEND SECTION 27-7-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR THE STATE INCOME TAX DEDUCTION AUTHORIZED FOR DEPRECIATION, IN THE CASE OF NEW OR USED AIRCRAFT, EQUIPMENT, ENGINES, OR OTHER PARTS AND TOOLS USED FOR AVIATION, THE ALLOWANCE FOR BONUS DEPRECIATION CONFORMS WITH THE FEDERAL BONUS DEPRECIATION RATES AND REASONABLE ALLOWANCE FOR DEPRECIATION IS NO LESS THAN ONE HUNDRED PERCENT; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1356

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Lamar, Deweese, Steverson

To: Ways and Means

HOUSE BILL NO. 1356
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR THE STATE INCOME TAX DEDUCTION AUTHORIZED FOR DEPRECIATION, IN THE CASE OF NEW OR USED AIRCRAFT, EQUIPMENT, ENGINES, OR OTHER PARTS AND TOOLS USED FOR AVIATION, THE ALLOWANCE FOR BONUS DEPRECIATION CONFORMS WITH THE FEDERAL BONUS DEPRECIATION RATES AND REASONABLE ALLOWANCE FOR DEPRECIATION IS NO LESS THAN ONE HUNDRED PERCENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-17, Mississippi Code of 1972, is amended as follows:

27-7-17. In computing taxable income, there shall be allowed as deductions:

(1) **Business deductions.**

(a) **Business expenses.** All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; nonreimbursable traveling expenses incident to current employment, including a reasonable amount expended for meals and lodging while away from home in the pursuit of a trade or

business; and rentals or other payments required to be made as a condition of the continued use or possession, for purposes of the trade or business of property to which the taxpayer has not taken or is not taking title or in which he had no equity. Expense incurred in connection with earning and distributing nontaxable income is not an allowable deduction. Limitations on entertainment expenses shall conform to the provisions of the Internal Revenue Code of 1986.

(b) **Interest.** All interest paid or accrued during the taxable year on business indebtedness, except interest upon the indebtedness for the purchase of tax-free bonds, or any stocks, the dividends from which are nontaxable under the provisions of this article; provided, however, in the case of securities dealers, interest payments or accruals on loans, the proceeds of which are used to purchase tax-exempt securities, shall be deductible if income from otherwise tax-free securities is reported as income. Investment interest expense shall be limited to investment income. Interest expense incurred for the purchase of treasury stock, to pay dividends, or incurred as a result of an undercapitalized affiliated corporation may not be deducted unless an ordinary and necessary business purpose can be established to the satisfaction of the commissioner. For the purposes of this paragraph, the phrase "interest upon the indebtedness for the purchase of tax-free bonds" applies only to the indebtedness incurred for the purpose of directly purchasing tax-free bonds and

does not apply to any other indebtedness incurred in the regular course of the taxpayer's business. Any corporation, association, organization or other entity taxable under Section 27-7-23(c) shall allocate interest expense as provided in Section 27-7-23(c)(3)(I).

(c) **Taxes.** Taxes paid or accrued within the taxable year, except state and federal income taxes, excise taxes based on or measured by net income, estate and inheritance taxes, gift taxes, cigar and cigarette taxes, gasoline taxes, and sales and use taxes unless incurred as an item of expense in a trade or business or in the production of taxable income. In the case of an individual, taxes permitted as an itemized deduction under the provisions of subsection (3)(a) of this section are to be claimed thereunder.

(d) **Business losses.**

(i) Losses sustained during the taxable year not compensated for by insurance or otherwise, if incurred in trade or business, or nonbusiness transactions entered into for profit.

(ii) Limitations on losses from passive activities and rental real estate shall conform to the provisions of the Internal Revenue Code of 1986.

(e) **Bad debts.** Losses from debts ascertained to be worthless and charged off during the taxable year, if sustained in the conduct of the regular trade or business of the taxpayer; provided, that such losses shall be allowed only when the taxpayer

has reported as income, on the accrual basis, the amount of such debt or account.

(f) **Depreciation.** A reasonable allowance for exhaustion, wear and tear of property used in the trade or business, or rental property, and depreciation upon buildings based upon their reasonable value as of March 16, 1912, if acquired prior thereto, and upon cost if acquired subsequent to that date. In the case of new or used aircraft, equipment, engines, or other parts and tools used for aviation, allowance for bonus depreciation conforms with the federal bonus depreciation rates and reasonable allowance for depreciation under this section is no less than one hundred percent (100%).

(g) **Depletion.** In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, based upon cost, including cost of development, not otherwise deducted, or fair market value as of March 16, 1912, if acquired prior to that date, such allowance to be made upon regulations prescribed by the commissioner, with the approval of the Governor.

(h) **Contributions or gifts.** Except as otherwise provided in paragraph (p) of this subsection or subsection (3)(a) of this section for individuals, contributions or gifts made by corporations within the taxable year to corporations, organizations, associations or institutions, including Community Chest funds, foundations and trusts created solely and exclusively

for religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inure to the benefit of any private stockholder or individual. This deduction shall be allowed in an amount not to exceed twenty percent (20%) of the net income. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the commissioner, with the approval of the Governor. Contributions made in any form other than cash shall be allowed as a deduction, subject to the limitations herein provided, in an amount equal to the actual market value of the contributions at the time the contribution is actually made and consummated.

(i) **Reserve funds - insurance companies.** In the case of insurance companies the net additions required by law to be made within the taxable year to reserve funds when such reserve funds are maintained for the purpose of liquidating policies at maturity.

(j) **Annuity income.** The sums, other than dividends, paid within the taxpayer year on policy or annuity contracts when such income has been included in gross income.

(k) **Contributions to employee pension plans.** Contributions made by an employer to a plan or a trust forming part of a pension plan, stock bonus plan, disability or death-benefit plan, or profit-sharing plan of such employer for the exclusive benefit of some or all of his, their, or its

employees, or their beneficiaries, shall be deductible from his, their, or its income only to the extent that, and for the taxable year in which, the contribution is deductible for federal income tax purposes under the Internal Revenue Code of 1986 and any other provisions of similar purport in the Internal Revenue Laws of the United States, and the rules, regulations, rulings and determinations promulgated thereunder, provided that:

(i) The plan or trust be irrevocable.

(ii) The plan or trust constitute a part of a pension plan, stock bonus plan, disability or death-benefit plan, or profit-sharing plan for the exclusive benefit of some or all of the employer's employees and/or officers, or their beneficiaries, for the purpose of distributing the corpus and income of the plan or trust to such employees and/or officers, or their beneficiaries.

(iii) No part of the corpus or income of the plan or trust can be used for purposes other than for the exclusive benefit of employees and/or officers, or their beneficiaries.

Contributions to all plans or to all trusts of real or personal property (or real and personal property combined) or to insured plans created under a retirement plan for which provision has been made under the laws of the United States of America, making such contributions deductible from income for federal income tax purposes, shall be deductible only to the same extent under the Income Tax Laws of the State of Mississippi.

(l) **Net operating loss carrybacks and carryovers.** A net operating loss for any taxable year ending after December 31, 1993, and taxable years thereafter, shall be a net operating loss carryback to each of the three (3) taxable years preceding the taxable year of the loss. If the net operating loss for any taxable year is not exhausted by carrybacks to the three (3) taxable years preceding the taxable year of the loss, then there shall be a net operating loss carryover to each of the fifteen (15) taxable years following the taxable year of the loss beginning with any taxable year after December 31, 1991.

For any taxable year ending after December 31, 1997, the period for net operating loss carrybacks and net operating loss carryovers shall be the same as those established by the Internal Revenue Code and the rules, regulations, rulings and determinations promulgated thereunder as in effect at the taxable year end or on December 31, 2000, whichever is earlier.

A net operating loss for any taxable year ending after December 31, 2001, and taxable years thereafter, shall be a net operating loss carryback to each of the two (2) taxable years preceding the taxable year of the loss. If the net operating loss for any taxable year is not exhausted by carrybacks to the two (2) taxable years preceding the taxable year of the loss, then there shall be a net operating loss carryover to each of the twenty (20) taxable years following the taxable year of the loss beginning with any taxable year after the taxable year of the loss.

The term "net operating loss," for the purposes of this paragraph, shall be the excess of the deductions allowed over the gross income; provided, however, the following deductions shall not be allowed in computing same:

(i) No net operating loss deduction shall be allowed.

(ii) No personal exemption deduction shall be allowed.

(iii) Allowable deductions which are not attributable to taxpayer's trade or business shall be allowed only to the extent of the amount of gross income not derived from such trade or business.

Any taxpayer entitled to a carryback period as provided by this paragraph may elect to relinquish the entire carryback period with respect to a net operating loss for any taxable year ending after December 31, 1991. The election shall be made in the manner prescribed by the Department of Revenue and shall be made by the due date, including extensions of time, for filing the taxpayer's return for the taxable year of the net operating loss for which the election is to be in effect. The election, once made for any taxable year, shall be irrevocable for that taxable year.

(m) **Amortization of pollution or environmental control facilities**. Allowance of deduction. Every taxpayer, at his election, shall be entitled to a deduction for pollution or environmental control facilities to the same extent as that

allowed under the Internal Revenue Code and the rules, regulations, rulings and determinations promulgated thereunder.

(n) **Dividend distributions - real estate investment trusts.** "Real estate investment trust" (hereinafter referred to as REIT) shall have the meaning ascribed to such term in Section 856 of the federal Internal Revenue Code of 1986, as amended. A REIT is allowed a dividend distributed deduction if the dividend distributions meet the requirements of Section 857 or are otherwise deductible under Section 858 or 860, federal Internal Revenue Code of 1986, as amended. In addition:

(i) A dividend distributed deduction shall only be allowed for dividends paid by a publicly traded REIT. A qualified REIT subsidiary shall be allowed a dividend distributed deduction if its owner is a publicly traded REIT.

(ii) Income generated from real estate contributed or sold to a REIT by a shareholder or related party shall not give rise to a dividend distributed deduction, unless the shareholder or related party would have received the dividend distributed deduction under this chapter.

(iii) A holding corporation receiving a dividend from a REIT shall not be allowed the deduction in Section 27-7-15(4)(t).

(iv) Any REIT not allowed the dividend distributed deduction in the federal Internal Revenue Code of 1986, as

amended, shall not be allowed a dividend distributed deduction under this chapter.

The commissioner is authorized to promulgate rules and regulations consistent with the provisions in Section 269 of the federal Internal Revenue Code of 1986, as amended, so as to prevent the evasion or avoidance of state income tax.

(o) **Contributions to college savings trust fund accounts.** Contributions or payments to a Mississippi Affordable College Savings Program account are deductible as provided under Section 37-155-113. Payments made under a prepaid tuition contract entered into under the Mississippi Prepaid Affordable College Tuition Program are deductible as provided under Section 37-155-17.

(p) **Contributions of human pharmaceutical products.** To the extent that a "major supplier" as defined in Section 27-13-13(2)(d) contributes human pharmaceutical products in excess of Two Hundred Fifty Million Dollars ($250,000,000.00) as determined under Section 170 of the Internal Revenue Code, the charitable contribution limitation associated with those donations shall follow the federal limitation but cannot result in the Mississippi net income being reduced below zero.

(q) **Contributions to ABLE trust fund accounts.** Contributions or payments to a Mississippi Achieving a Better Life Experience (ABLE) Program account are deductible as provided under Section 43-28-13.

(2) **Restrictions on the deductibility of certain intangible expenses and interest expenses with a related member.**

(a) As used in this subsection (2):

(i) "Intangible expenses and costs" include:

1. Expenses, losses and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange or any other disposition of intangible property to the extent such amounts are allowed as deductions or costs in determining taxable income under this chapter;

2. Expenses or losses related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions;

3. Royalty, patent, technical and copyright fees;

4. Licensing fees; and

5. Other similar expenses and costs.

(ii) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights and similar types of intangible assets.

(iii) "Interest expenses and cost" means amounts directly or indirectly allowed as deductions for purposes of determining taxable income under this chapter to the extent such interest expenses and costs are directly or indirectly for, related to, or in connection with the direct or indirect

acquisition, maintenance, management, ownership, sale, exchange or disposition of intangible property.

(iv) "Related member" means an entity or person that, with respect to the taxpayer during all or any portion of the taxable year, is a related entity, a component member as defined in the Internal Revenue Code, or is an entity or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code.

(v) "Related entity" means:

1. A stockholder who is an individual or a member of the stockholder's family, as defined in regulations prescribed by the commissioner, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

2. A stockholder, or a stockholder's partnership, limited liability company, estate, trust or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts and corporations own, directly, indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

3. A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the

corporation, if the taxpayer owns, directly, indirectly, beneficially or constructively, at least fifty percent (50%) of the value of the corporation's outstanding stock under regulation prescribed by the commissioner;

4. Any entity or person which would be a related member under this section if the taxpayer were considered a corporation for purposes of this section.

(b) In computing net income, a taxpayer shall add back otherwise deductible interest expenses and costs and intangible expenses and costs directly or indirectly paid, accrued to or incurred, in connection directly or indirectly with one or more direct or indirect transactions with one or more related members.

(c) The adjustments required by this subsection shall not apply to such portion of interest expenses and costs and intangible expenses and costs that the taxpayer can establish meets one (1) of the following:

(i) The related member directly or indirectly paid, accrued or incurred such portion to a person during the same income year who is not a related member; or

(ii) The transaction giving rise to the interest expenses and costs or intangible expenses and costs between the taxpayer and related member was done primarily for a valid business purpose other than the avoidance of taxes, and the related member is not primarily engaged in the acquisition, use,

maintenance or management, ownership, sale, exchange or any other disposition of intangible property.

(d) Nothing in this subsection shall require a taxpayer to add to its net income more than once any amount of interest expenses and costs or intangible expenses and costs that the taxpayer pays, accrues or incurs to a related member.

(e) The commissioner may prescribe such regulations as necessary or appropriate to carry out the purposes of this subsection, including, but not limited to, clarifying definitions of terms, rules of stock attribution, factoring and discount transactions.

(3) **Individual nonbusiness deductions.**

(a) The amount allowable for individual nonbusiness itemized deductions for federal income tax purposes where the individual is eligible to elect, for the taxable year, to itemize deductions on his federal return except the following:

(i) The deduction for state income taxes paid or other taxes allowed for federal purposes in lieu of state income taxes paid;

(ii) The deduction for gaming losses from gaming establishments;

(iii) The deduction for taxes collected by licensed gaming establishments pursuant to Section 27-7-901;

(iv) The deduction for taxes collected by gaming establishments pursuant to Section 27-7-903.

(b) In lieu of the individual nonbusiness itemized deductions authorized in paragraph (a), for all purposes other than ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, an optional standard deduction of:

(i) Three Thousand Four Hundred Dollars ($3,400.00) through calendar year 1997, Four Thousand Two Hundred Dollars ($4,200.00) for the calendar year 1998 and Four Thousand Six Hundred Dollars ($4,600.00) for each calendar year thereafter in the case of married individuals filing a joint or combined return;

(ii) One Thousand Seven Hundred Dollars ($1,700.00) through calendar year 1997, Two Thousand One Hundred Dollars ($2,100.00) for the calendar year 1998 and Two Thousand Three Hundred Dollars ($2,300.00) for each calendar year thereafter in the case of married individuals filing separate returns;

(iii) Three Thousand Four Hundred Dollars ($3,400.00) in the case of a head of family; or

(iv) Two Thousand Three Hundred Dollars ($2,300.00) in the case of an individual who is not married.

In the case of a husband and wife living together, having separate incomes, and filing combined returns, the standard deduction authorized may be divided in any manner they choose. In the case of separate returns by a husband and wife, the standard

deduction shall not be allowed to either if the taxable income of one of the spouses is determined without regard to the standard deduction.

(c) A nonresident individual shall be allowed the same individual nonbusiness deductions as are authorized for resident individuals in paragraph (a) or (b) of this subsection; however, the nonresident individual is entitled only to that proportion of the individual nonbusiness deductions as his net income from sources within the State of Mississippi bears to his total or entire net income from all sources.

(4) Nothing in this section shall permit the same item to be deducted more than once, either in fact or in effect.

SECTION 2. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the income tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the income tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1420

Description: Ad valorem tax; exempt property of certain not-for-profit corporations used to provide swimming lessons and training.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: ** See Text

History of Actions:

1	02/18	(H) Referred To Ways and Means
2	02/24	(H) Title Suff Do Pass
3	02/24	(H) Amended
4	02/24	(H) Passed As Amended {Vote}
5	02/25	(H) Transmitted To Senate
6	03/09	(S) Referred To Finance
7	03/11	(S) Title Suff Do Pass As Amended
8	03/16	(S) Amended
9	03/16	(S) Passed As Amended {Vote}
10	03/17	(S) Motion to Reconsider Entered
11	03/17	(S) Reconsidered
12	03/17	(S) Amended
13	03/17	(S) Passed As Amended {Vote}
14	03/18	(S) Returned For Concurrence
15	03/19	(H) Concurred in Amend From Senate {Vote}
16	03/23	(H) Enrolled Bill Signed
17	03/23	(S) Enrolled Bill Signed
18	03/29	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1420

Code Section: A 027-0031-0001

----- Additional Information -----

House Committee: Ways and Means

Senate Committee: Finance

Principal Author: Yates

Title: AN ACT TO AMEND SECTION 27-31-1, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM AD VALOREM TAXATION CERTAIN PROPERTY THAT IS OWNED, OPERATED AND MANAGED BY A NOT-FOR-PROFIT CORPORATION QUALIFIED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, AND USED TO PROVIDE, FREE OF CHARGE, A PRACTICE FACILITY FOR A PUBLIC SCHOOL DISTRICT SWIM TEAM AND A FACILITY FOR ANOTHER NOT-FOR-PROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE TO CONDUCT WATER SAFETY AND LIFEGUARD TRAINING PROGRAMS; TO EXCLUDE FROM THE APPLICATION OF THE SECTION REAL OR PERSONAL PROPERTY OWNED BY A COUNTRY CLUB, A TENNIS CLUB WITH A POOL, OR ANY CLUB REQUIRING STOCK OWNERSHIP FOR MEMBERSHIP; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Yates To: Ways and Means

HOUSE BILL NO. 1420
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-31-1, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM AD VALOREM TAXATION CERTAIN PROPERTY THAT IS OWNED, OPERATED AND MANAGED BY A NOT-FOR-PROFIT CORPORATION QUALIFIED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, AND USED TO PROVIDE, FREE OF CHARGE, A PRACTICE FACILITY FOR A PUBLIC SCHOOL DISTRICT SWIM TEAM AND A FACILITY FOR ANOTHER NOT-FOR-PROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE TO CONDUCT WATER SAFETY AND LIFEGUARD TRAINING PROGRAMS; TO EXCLUDE FROM THE APPLICATION OF THE SECTION REAL OR PERSONAL PROPERTY OWNED BY A COUNTRY CLUB, A TENNIS CLUB WITH A POOL, OR ANY CLUB REQUIRING STOCK OWNERSHIP FOR MEMBERSHIP; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-31-1, Mississippi Code of 1972, is amended as follows:

27-31-1. The following shall be exempt from taxation:

(a) All cemeteries used exclusively for burial purposes.

(b) All property, real or personal, belonging to the State of Mississippi or any of its political subdivisions, except property of a municipality not being used for a proper municipal purpose and located outside the county or counties in which such municipality is located. A proper municipal purpose within the

meaning of this section shall be any authorized governmental or corporate function of a municipality.

(c) All property, real or personal, owned by units of the Mississippi National Guard, or title to which is vested in trustees for the benefit of any unit of the Mississippi National Guard; provided such property is used exclusively for such unit, or for public purposes, and not for profit.

(d) All property, real or personal, belonging to any religious society, or ecclesiastical body, or any congregation thereof, or to any charitable society, or to any historical or patriotic association or society, or to any garden or pilgrimage club or association and used exclusively for such society or association and not for profit; not exceeding, however, the amount of land which such association or society may own as provided in Section 79-11-33. All property, real or personal, belonging to any rural waterworks system or rural sewage disposal system incorporated under the provisions of Section 79-11-1. All property, real or personal, belonging to any college or institution for the education of youths, used directly and exclusively for such purposes, provided that no such college or institution for the education of youths shall have exempt from taxation more than six hundred forty (640) acres of land; provided, however, this exemption shall not apply to commercial schools and colleges or trade institutions or schools where the profits of same inure to individuals, associations or

corporations. All property, real or personal, belonging to an individual, institution or corporation and used for the operation of a grammar school, junior high school, high school or military school. All property, real or personal, owned and occupied by a fraternal and benevolent organization, when used by such organization, and from which no rentals or other profits accrue to the organization, but any part rented or from which revenue is received shall be taxed.

(e) All property, real or personal, held and occupied by trustees of public schools, and school lands of the respective townships for the use of public schools, and all property kept in storage for the convenience and benefit of the State of Mississippi in warehouses owned or leased by the State of Mississippi, wherein said property is to be sold by the Alcoholic Beverage Control Division of the Department of Revenue of the State of Mississippi.

(f) All property, real or personal, whether belonging to religious or charitable or benevolent organizations, which is used for hospital purposes, and nurses' homes where a part thereof, and which maintain one or more charity wards that are for charity patients, and where all the income from said hospitals and nurses' homes is used entirely for the purposes thereof and no part of the same for profit.

(g) The wearing apparel of every person; and also jewelry and watches kept by the owner for personal use to the extent of One Hundred Dollars ($100.00) in value for each owner.

(h) Provisions on hand for family consumption.

(i) All farm products grown in this state for a period of two (2) years after they are harvested, when in the possession of or the title to which is in the producer, except the tax of one-fifth of one percent (1/5 of 1%) per pound on lint cotton now levied by the Board of Commissioners of the Mississippi Levee District; and lint cotton for five (5) years, and cottonseed, soybeans, oats, rice and wheat for one (1) year regardless of ownership.

(j) All guns and pistols kept by the owner for private use.

(k) All poultry in the hands of the producer.

(l) Household furniture, including all articles kept in the home by the owner for his own personal or family use; but this shall not apply to hotels, rooming houses or rented or leased apartments.

(m) All cattle and oxen.

(n) All sheep, goats and hogs.

(o) All horses, mules and asses.

(p) Farming tools, implements and machinery, when used exclusively in the cultivation or harvesting of crops or timber.

(q) All property of agricultural and mechanical associations and fairs used for promoting their objects, and where no part of the proceeds is used for profit.

(r) The libraries of all persons.

(s) All pictures and works of art, not kept for or offered for sale as merchandise.

(t) The tools of any mechanic necessary for carrying on his trade.

(u) All state, county, municipal, levee, drainage and all school bonds or other governmental obligations, and all bonds and/or evidences of debts issued by any church or church organization in this state, and all notes and evidences of indebtedness which bear a rate of interest not greater than the maximum rate per annum applicable under the law; and all money loaned at a rate of interest not exceeding the maximum rate per annum applicable under the law; and all stock in or bonds of foreign corporations or associations shall be exempt from all ad valorem taxes.

(v) All lands and other property situated or located between the Mississippi River and the levee shall be exempt from the payment of any and all road taxes levied or assessed under any road laws of this state.

(w) Any and all money on deposit in either national banks, state banks or trust companies, on open account, savings account or time deposit.

(x) All wagons, carts, drays, carriages and other horse-drawn vehicles, kept for the use of the owner.

(y) (i) Boats, seines and fishing equipment used in fishing and shrimping operations and in the taking or catching of oysters.

(ii) All towboats, tugboats and barges documented under the laws of the United States, except watercraft of every kind and character used in connection with gaming operations.

(z) (i) All materials used in the construction and/or conversion of vessels in this state;

(ii) Vessels while under construction and/or conversion;

(iii) Vessels while in the possession of the manufacturer, builder or converter, for a period of twelve (12) months after completion of construction and/or conversion; however, the twelve-month limitation shall not apply to:

1. Vessels used for the exploration for, or production of, oil, gas and other minerals offshore outside the boundaries of this state; or

2. Vessels that were used for the exploration for, or production of, oil, gas and other minerals that are converted to a new service for use outside the boundaries of this state;

(iv) 1. In order for a vessel described in subparagraph (iii) of this paragraph (z) to be exempt for a period of more than twelve (12) months, the vessel must:

a. Be operating or operable, generating or capable of generating its own power or connected to some other power source, and not removed from the service or use for which manufactured or to which converted; and

b. The manufacturer, builder, converter or other entity possessing the vessel must be in compliance with any lease or other agreement with any applicable port authority or other entity regarding the vessel and in compliance with all applicable tax laws of this state and applicable federal tax laws.

2. A vessel exempt from taxation under subparagraph (iii) of this paragraph (z) may not be exempt for a period of more than three (3) years unless the board of supervisors of the county and/or governing authorities of the municipality, as the case may be, in which the vessel would otherwise be taxable adopts a resolution or ordinance authorizing the extension of the exemption and setting a maximum period for the exemption.

(v) As used in this paragraph (z), the term "vessel" includes ships, offshore drilling equipment, dry docks, boats and barges, except watercraft of every kind and character used in connection with gaming operations.

(aa) Sixty-six and two-thirds percent (66-2/3%) of nuclear fuel and reprocessed, recycled or residual nuclear fuel by-products, fissionable or otherwise, used or to be used in generation of electricity by persons defined as public utilities in Section 77-3-3.

(bb) All growing nursery stock.

(cc) A semitrailer used in interstate commerce.

(dd) All property, real or personal, used exclusively for the housing of and provision of services to elderly persons, disabled persons, mentally impaired persons or as a nursing home, which is owned, operated and managed by a not-for-profit corporation, qualified under Section 501(c)(3) of the Internal Revenue Code, whose membership or governing body is appointed or confirmed by a religious society or ecclesiastical body or any congregation thereof.

(ee) All vessels while in the hands of bona fide dealers as merchandise and which are not being operated upon the waters of this state shall be exempt from ad valorem taxes. As used in this paragraph, the terms "vessel" and "waters of this state" shall have the meaning ascribed to such terms in Section 59-21-3.

(ff) All property, real or personal, owned by a nonprofit organization that: (i) is qualified as tax exempt under Section 501(c)(4) of the Internal Revenue Code of 1986, as amended; (ii) assists in the implementation of the national

contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; (iii) engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal or tidal waters; and (iv) is used for the purposes of the organization.

(gg) If a municipality changes its boundaries so as to include within the boundaries of such municipality the project site of any project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxviii) or Section 57-75-5(f)(xxix), all real and personal property located on the project site within the boundaries of such municipality that is owned by a business enterprise operating such project, shall be exempt from ad valorem taxation for a period of time not to exceed thirty (30) years upon receiving approval for such exemption by the Mississippi Major Economic Impact Authority. The provisions of this paragraph shall not be construed to authorize a breach of any agreement entered into pursuant to Section 21-1-59.

(hh) All leases, lease contracts or lease agreements (including, but not limited to, subleases, sublease contracts and sublease agreements), and leaseholds or leasehold interests (including, but not limited to, subleaseholds and subleasehold interests), of or with respect to any and all property (real, personal or mixed) constituting all or any part of a facility for

the manufacture, production, generation, transmission and/or distribution of electricity, and any real property related thereto, shall be exempt from ad valorem taxation during the period as the United States is both the title owner of the property and a sublessee of or with respect to the property; however, the exemption authorized by this paragraph (hh) shall not apply to any entity to whom the United States sub-subleases its interest in the property nor to any entity to whom the United States assigns its sublease interest in the property. As used in this paragraph, the term "United States" includes an agency or instrumentality of the United States of America. This paragraph (hh) shall apply to all assessments for ad valorem taxation for the 2003 calendar year and each calendar year thereafter.

(ii) All property, real, personal or mixed, including fixtures and leaseholds, used by Mississippi nonprofit entities qualified, on or before January 1, 2005, under Section 501(c)(3) of the Internal Revenue Code to provide support and operate technology incubators for research and development startup companies, telecommunication startup companies and/or other technology startup companies, utilizing technology spun-off from research and development activities of the public colleges and universities of this state, State of Mississippi governmental research or development activities resulting therefrom located within the State of Mississippi.

(jj) All property, real, personal or mixed, including fixtures and leaseholds, of startup companies (as described in paragraph (ii) of this section) for the period of time, not to exceed five (5) years, that the startup company remains a tenant of a technology incubator (as described in paragraph (ii) of this section).

(kk) All leases, lease contracts or lease agreements (including, but not limited to, subleases, sublease contracts and sublease agreements), and leaseholds or leasehold interests, of or with respect to any and all property (real, personal or mixed) constituting all or any part of an auxiliary facility, and any real property related thereto, constructed or renovated pursuant to Section 37-101-41, Mississippi Code of 1972.

(ll) Equipment brought into the state temporarily for use during a disaster response period as provided in Sections 27-113-1 through 27-113-9 and subsequently removed from the state on or before the end of the disaster response period as defined in Section 27-113-5.

(mm) For any lease or contractual arrangement to which the Department of Finance and Administration and a nonprofit corporation are a party to as provided in Section 39-25-1(5), the nonprofit corporation shall, along with the possessory and leasehold interests and/or real and personal property of the corporation, be exempt from all ad valorem taxation, including, but not limited to, school, city and county ad valorem taxes, for

the term or period of time stated in the lease or contractual arrangement.

(nn) All property, real or personal, that is owned, operated and managed by a not-for-profit corporation qualified under Section 501(c)(3) of the Internal Revenue Code, and used to provide, free of charge, (i) a practice facility for a public school district swim team, and (ii) a facility for another not-for-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code to conduct water safety and lifeguard training programs. This section shall not apply to real or personal property owned by a country club, tennis club with a pool, or any club requiring stock ownership for membership.

SECTION 2. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws.

SECTION 3. This act shall take effect and be in force from and after January 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2294

Description: Veteran Driver's License Designation; allow proof of military service in person.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/12	(S)	Referred To Veterans and Military Affairs; Finance
2	01/26	(S)	DR - TSDP: VM To FI
3	02/01	(S)	Title Suff Do Pass
4	02/05	(S)	Passed {Vote}
5	02/08	(S)	Transmitted To House
6	02/24	(H)	Referred To Military Affairs
7	03/02	(H)	Title Suff Do Pass
8	03/09	(H)	Amended
9	03/09	(H)	Passed As Amended {Vote}
10	03/10	(H)	Returned For Concurrence
11	03/24	(S)	Decline to Concur/Invite Conf
12	03/25	(S)	Conferees Named Seymour,DeBar,Chassaniol
13	03/25	(H)	Conferees Named Carpenter,Goodin,Huddleston
14	03/26	(S)	Conference Report Filed
15	03/26	(H)	Conference Report Filed
16	03/27	(H)	Conference Report Adopted {Vote}
17	03/28	(S)	Conference Report Adopted {Vote}
18	03/28	(S)	Immediate Release
19	03/30	(H)	Enrolled Bill Signed
20	03/30	(S)	Enrolled Bill Signed
21	04/05		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2294

Conference Reports:

| Conference Report

Code Section: A 063-0001-0035, A 097-0019-0085

----- Additional Information -----

Senate Committee: Veterans and Military Affairs, Finance
House Committee: Military Affairs

Principal Author: Seymour
Additional Authors: Barnett, Butler, Jackson (11th)

Title: AN ACT TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A VETERAN TO ESTABLISH PROOF OF MILITARY SERVICE FOR VETERAN DRIVER'S LICENSE DESIGNATION IN PERSON AT THE DEPARTMENT OF PUBLIC SAFETY DRIVER'S LICENSE STATION; TO AMEND SECTION 97-19-85, MISSISSIPPI CODE OF 1972, TO PROVIDE CRIMINAL PENALTIES FOR SUBMITTING FALSE DOCUMENTS TO OBTAIN A VETERAN DRIVER'S LICENSE OR OTHER VETERAN'S BENEFITS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Seymour, Barnett, Butler, Jackson (11th)

To: Veterans and Military Affairs; Finance

SENATE BILL NO. 2294
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A VETERAN TO ESTABLISH PROOF OF MILITARY SERVICE FOR VETERAN DRIVER'S LICENSE DESIGNATION IN PERSON AT THE DEPARTMENT OF PUBLIC SAFETY DRIVER'S LICENSE STATION; TO AMEND SECTION 97-19-85, MISSISSIPPI CODE OF 1972, TO PROVIDE CRIMINAL PENALTIES FOR SUBMITTING FALSE DOCUMENTS TO OBTAIN A VETERAN DRIVER'S LICENSE OR OTHER VETERAN'S BENEFITS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-1-35, Mississippi Code of 1972, is amended as follows:

63-1-35. (1) The Commissioner of Public Safety shall prescribe the form of license issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety. A licensee shall list his social security number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will

photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33.

(2) The commissioner shall prescribe the form of license issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The license of such persons shall include a number and/or other identifying features.

(3) Any new, renewal or duplicate driver's license, temporary driving permit, intermediate license or commercial driver's license issued to a person required to register as a sex offender pursuant to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender.

(4) The commissioner is authorized to provide the new, renewal or duplicate driver's license, temporary driving permit, intermediate license or commercial driver's license to any honorably discharged veteran as defined in Title 38 of the United

States Code, and such license or permit shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214 * * *, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22. The veteran requesting the "Vet" designation may present his DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22 in person at the Mississippi Department of Public Safety Driver's License Station.

(5) Not later than July 1, 2021, the commissioner shall develop and implement a driver's license or driving permit in electronic format as an additional option for license or permit holders. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device.

(6) If false documents are provided by an individual for purposes of obtaining a veteran driver's license, such action shall be considered fraudulent use of identity under Section 97-19-85, Mississippi Code of 1972, and shall be punishable, upon conviction, as a felony pursuant to the provisions of that section.

SECTION 2. Section 97-19-85, Mississippi Code of 1972, is amended as follows:

97-19-85. (1) Any person who shall make or cause to be made any false statement or representation as to his or another person's or entity's identity, social security account number, credit card number, debit card number, DD-214 or other identifying information for the purpose of fraudulently obtaining or with the intent to obtain goods, services or any thing of value, shall be guilty of a felony and, upon conviction thereof, for a first offense shall be fined not more than Five Thousand Dollars ($5,000.00) or imprisoned for a term not to exceed five (5) years, or both. For a second or subsequent offense such person, upon conviction, shall be fined not more than Ten Thousand Dollars ($10,000.00) or imprisoned for a term not to exceed ten (10) years, or both. In addition to the fines and imprisonment provided in this section, a person convicted under this section shall be ordered to pay restitution as provided in Section 99-37-1 et seq.

(2) A person is guilty of fraud under subsection (1) who:

(a) Shall furnish false information willfully, knowingly and with intent to deceive anyone as to his true identity or the true identity of another person; or

(b) Willfully, knowingly, and with intent to deceive, uses a social security account number to establish and maintain business or other records; or

(c) With intent to deceive, falsely represents a number to be the social security account number assigned to him or another person, when in fact the number is not the social security account number assigned to him or such other person; or

(d) With intent to deceive, falsely represents to be a representative of an entity in order to open banking accounts, obtain credit cards, or other services and supplies in the entity's name; or

(e) Knowingly alters a social security card, buys or sells a social security card or counterfeit or altered social security card, counterfeits a social security card, or possesses a social security card or counterfeit social security card with intent to sell or alter it * * *; or

(f) Willfully and knowingly, with intent to deceive, falsely uses a form DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22, for the purpose of fraudulently obtaining a veterans driver's license or any other state or federal government benefit available only to honorably discharged veterans.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2336

Description: MS First Responders Health and Safety Act; delay effective date of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/14	(S) Referred To Insurance
2	01/28	(S) Title Suff Do Pass
3	02/03	(S) Passed {Vote}
4	02/04	(S) Transmitted To House
5	02/24	(H) Referred To Insurance
6	03/01	(H) Title Suff Do Pass
7	03/09	(H) Passed {Vote}
8	03/09	(H) Motion to Reconsider Entered (Zuber, Ford (54th), Miles)
9	03/10	(H) Motion to Reconsider Tabled
10	03/10	(H) Returned For Enrolling
11	03/12	(S) Enrolled Bill Signed
12	03/12	(H) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 025-0015-0409

----- Additional Information -----

Senate Committee: Insurance
House Committee: Insurance

Principal Author: Michel

Title: AN ACT TO AMEND SECTION 25-15-409, MISSISSIPPI CODE OF 1972, TO REVISE THE DATE BY WHICH THE STATE, MUNICIPALITY, COUNTY OR FIRE PROTECTION DISTRICT MUST SHOW PROOF OF INSURANCE COVERAGE THAT MEETS THE REQUIREMENTS OF THE MISSISSIPPI FIRST RESPONDERS HEALTH AND SAFETY ACT; TO AMEND SECTION 7, CHAPTER 467, LAWS OF 2019, AS AMENDED BY SECTION 2, CHAPTER 471, LAWS OF 2020, TO REVISE THE EFFECTIVE DATE OF THE MISSISSIPPI FIRST RESPONDERS HEALTH AND SAFETY ACT; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2336

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Michel To: Insurance

SENATE BILL NO. 2336

AN ACT TO AMEND SECTION 25-15-409, MISSISSIPPI CODE OF 1972, TO REVISE THE DATE BY WHICH THE STATE, MUNICIPALITY, COUNTY OR FIRE PROTECTION DISTRICT MUST SHOW PROOF OF INSURANCE COVERAGE THAT MEETS THE REQUIREMENTS OF THE MISSISSIPPI FIRST RESPONDERS HEALTH AND SAFETY ACT; TO AMEND SECTION 7, CHAPTER 467, LAWS OF 2019, AS AMENDED BY SECTION 2, CHAPTER 471, LAWS OF 2020, TO REVISE THE EFFECTIVE DATE OF THE MISSISSIPPI FIRST RESPONDERS HEALTH AND SAFETY ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-15-409, Mississippi Code of 1972, is amended as follows:

25-15-409. (1) The state, municipality, county or fire protection district shall, no later than January 1, * * * 2024, show proof of insurance coverage that meets the requirements of this article to the Commissioner of Insurance, or shall show satisfactory proof of the ability to pay such compensation to ensure adequate coverage for all eligible first responders.

(2) The Commissioner of Insurance shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this article. Such regulations shall include the

process by which a first responder files a claim for cancer and the process by which claimants can appeal a denial of benefits.

(3) The Commissioner of Insurance shall adopt rules to establish firefighter cancer prevention best practices as it relates to personal protective equipment, decontamination, fire suppression, apparatus and fire stations.

SECTION 2. Section 7, Chapter 467, Laws of 2019, as amended by Section 2, Chapter 471, Laws of 2020, which provides for the effective date of the Mississippi First Responders Health and Safety Act, is amended as follows:

Section 7. This act shall take effect and be in force from and after July 1, * * * 2023.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2373

Description: Motor fuel sales; provide immunity for damages caused by the use of incompatible fuel upon certain conditions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/15	(S) Referred To Energy
2	01/28	(S) Title Suff Do Pass
3	02/03	(S) Passed {Vote}
4	02/04	(S) Motion to Reconsider Entered
5	02/10	(S) Motion to Reconsider Tabled
6	02/10	(S) Transmitted To House
7	02/26	(H) Referred To Energy
8	03/02	(H) Title Suff Do Pass As Amended
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/10	(H) Returned For Concurrence
12	03/12	(S) Concurred in Amend From House {Vote}
13	03/16	(S) Enrolled Bill Signed
14	03/16	(H) Enrolled Bill Signed
15	03/22	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2373

----- Additional Information -----

Senate Committee: Energy
House Committee: Energy

Principal Author: Branning

Title: AN ACT TO PROVIDE LIABILITY PROTECTIONS FOR REFINERS, SUPPLIERS, WHOLESALERS AND RETAILERS FROM DAMAGES CAUSED BY THE USE OF INCOMPATIBLE MOTOR FUEL DISPENSED AT A RETAIL SITE IF CERTAIN CONDITIONS ARE MET; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Branning To: Energy

SENATE BILL NO. 2373
(As Sent to Governor)

AN ACT TO PROVIDE LIABILITY PROTECTIONS FOR REFINERS, SUPPLIERS, WHOLESALERS AND RETAILERS FROM DAMAGES CAUSED BY THE USE OF INCOMPATIBLE MOTOR FUEL DISPENSED AT A RETAIL SITE IF CERTAIN CONDITIONS ARE MET; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) A refiner, supplier, wholesaler or retailer is not liable for damages caused by the use of incompatible motor fuel dispensed at a retail site if all of the following apply:

(a) The incompatible fuel meets the standards promulgated by the Commissioner of Agriculture and Commerce;

(b) The incompatible fuel is selected by a person other than the retailer, and the retailer includes an employee or agent of the retailer; and

(c) The incompatible fuel is dispensed from a motor fuel dispenser that correctly labels the type of fuel dispensed.

For the purposes of this section, a motor fuel is incompatible with a motor according to the manufacturer of the motor.

(2) For purposes of this section, the following terms shall have the meanings ascribed in this subsection, unless the context clearly indicates otherwise:

(a) "Motor fuel" means gasoline, diesel fuel, substitute fuel, renewable fuel and blended fuel.

(b) "Refiner" means a person who owns, operates or otherwise controls a refinery within the United States.

(c) "Refinery" means a facility used to produce motor fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by pipeline, by vessel, or at a rack.

(d) "Retailer" means a person who engages in the business of selling or distributing to the end user within this state.

(e) "Supplier" means a person who meets all the following conditions:

(i) Is subject to the general taxing jurisdiction of this state;

(ii) Is registered under Section 4101 of the Internal Revenue Code for transactions in taxable motor fuels in the bulk transfer/terminal distribution system; and

(iii) Is one (1) of the following:

1. Is the "position holder" in a terminal or refinery in this state;

2. Imports motor fuel into this state from a foreign country;

3. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to a "two-party exchange";

4. Is the position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state on his account.

A terminal operator is not considered a supplier merely because the terminal operator handles motor fuel consigned to it within a terminal.

(f) "Terminal operator" is a person who owns, operates or otherwise controls a terminal and does not use a substantial portion of the motor fuel that is transferred through or stored in the terminal for its own use. "For its own use" means for its own consumption or in the manufacture of products other than motor fuel.

(g) "Wholesaler" means a person who acquires motor fuel from a supplier or from another wholesaler for subsequent sale and distribution at wholesale by tank cars, motor vehicles or both.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2392

Description: County port and harbor commission; provide for holdover of appointees.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Ports and Marine Resources
2	01/27	(S) Title Suff Do Pass
3	02/04	(S) Passed {Vote}
4	02/05	(S) Motion to Reconsider Entered
5	02/10	(S) Reconsidered
6	02/10	(S) Amended
7	02/10	(S) Passed As Amended {Vote}
8	02/16	(S) Transmitted To House
9	02/26	(H) Referred To Ports, Harbors and Airports
10	03/01	(H) Title Suff Do Pass As Amended
11	03/09	(H) Amended
12	03/09	(H) Passed As Amended {Vote}
13	03/10	(H) Returned For Concurrence
14	03/16	(S) Concurred in Amend From House {Vote}
15	03/18	(S) Enrolled Bill Signed
16	03/18	(H) Enrolled Bill Signed
17	03/24	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2392

Code Section: A 059-0011-0003

----- Additional Information -----

Senate Committee: Ports and Marine Resources
House Committee: Ports, Harbors and Airports

Principal Author: Moran

Title: AN ACT TO AMEND SECTION 59-11-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEMBERS OF THE COUNTY PORT AND HARBOR COMMISSION SHALL HOLD THEIR APPOINTMENTS UNTIL THEIR SUCCESSOR HAS BEEN APPOINTED AND INSTALLED AS A COMMISSIONER AFTER TAKING THE OATH OF OFFICE; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2392

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Moran

To: Ports and Marine Resources

SENATE BILL NO. 2392
(As Sent to Governor)

AN ACT TO AMEND SECTION 59-11-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEMBERS OF THE COUNTY PORT AND HARBOR COMMISSION SHALL HOLD THEIR APPOINTMENTS UNTIL THEIR SUCCESSOR HAS BEEN APPOINTED AND INSTALLED AS A COMMISSIONER AFTER TAKING THE OATH OF OFFICE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 59-11-3, Mississippi Code of 1972, is amended as follows:

59-11-3. (1) Any county port and harbor commission created pursuant to Section 59-11-1 shall be appointed as follows: three (3) members shall be appointed by the Governor, one (1) from each of the three (3) municipalities of the county, which appointments shall be made from those persons recommended and nominated by the governing authorities of the municipalities, and shall be qualified electors of the county; and five (5) members shall be appointed by the board of supervisors of such county, each supervisor to recommend the appointment of one (1) member thereof. The members of the county port and harbor commission shall serve for terms concurrent with that of the Governor and the board of

supervisors making such appointment and hold that appointment until such time as their successor shall be appointed and installed as a commissioner upon taking his or her oath of office.

(2) Each member of the county port and harbor commission shall receive per diem compensation in an amount up to Eighty-four Dollars ($84.00) for each day engaged in attendance of meetings of the county port and harbor commission or when engaged in other duties of the county port and harbor commission, and shall be reimbursed for mileage and actual travel expenses at the rate authorized for county employees under Section 25-3-41.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2419

Description: State Medical Examiner fees; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Public Health and Welfare
2	01/27	(S) Title Suff Do Pass
3	02/11	(S) Passed {Vote}
4	02/12	(S) Transmitted To House
5	02/23	(H) Referred To Public Health and Human Services
6	02/25	(H) Title Suff Do Pass As Amended
7	03/08	(H) Amended
8	03/08	(H) Passed As Amended {Vote}
9	03/09	(H) Returned For Concurrence
10	03/17	(S) Concurred in Amend From House {Vote}
11	03/18	(S) Enrolled Bill Signed
12	03/18	(H) Enrolled Bill Signed
13	03/24	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2419

Code Section: A 041-0061-0075

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Bryan

Title: AN ACT TO AMEND SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION THAT PROVIDES FOR THE FEES PAID BY THE COUNTY TO A MEDICAL EXAMINER OR HIS

DEPUTY FOR THE FILING OF CERTAIN INVESTIGATION REPORTS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2419

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Bryan — To: Public Health and Welfare

SENATE BILL NO. 2419
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION THAT PROVIDES FOR THE FEES PAID BY THE COUNTY TO A MEDICAL EXAMINER OR HIS DEPUTY FOR THE FILING OF CERTAIN INVESTIGATION REPORTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-61-75, Mississippi Code of 1972, is amended as follows:

41-61-75. (1) For each investigation with the preparation and submission of the required reports, the following fees shall be billed to and paid by the county for which the service is provided:

(a) A medical examiner or his deputy shall receive One Hundred Seventy-five Dollars ($175.00) for each completed report of investigation of death, plus the examiner's actual expenses. In addition to that fee, in cases where the cause of death was sudden infant death syndrome (SIDS) and the medical examiner provides a SIDS Death Scene Investigation report, the medical examiner shall receive for completing that report an additional

Fifty Dollars ($50.00), or an additional One Hundred Dollars ($100.00) if the medical examiner has received advanced training in child death investigations and presents to the county a certificate of completion of that advanced training. The State Medical Examiner shall develop and prescribe a uniform format and list of matters to be contained in SIDS/Child Death Scene Investigation reports, which shall be used by all county medical examiners and county medical examiner investigators in the state.

(b) The pathologist performing autopsies as provided in Section 41-61-65 shall receive One Thousand Dollars ($1,000.00) per completed autopsy, plus mileage expenses to and from the site of the autopsy, and shall be reimbursed for any out-of-pocket expenses for third-party testing, not to exceed One Hundred Dollars ($100.00) per autopsy.

(2) Any medical examiner, physician or pathologist who is subpoenaed for appearance and testimony before a grand jury, courtroom trial or deposition shall be entitled to an expert witness hourly fee to be set by the court and mileage expenses to and from the site of the testimony, and such amount shall be paid by the jurisdiction or party issuing the subpoena.

(3) This section shall stand repealed on July 1, * * * 2025.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2420

Description: Temporary license for social workers; authorize to practice in nonprofit facilities.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Public Health and Welfare
2	02/02	(S)	Title Suff Do Pass
3	02/08	(S)	Passed {Vote}
4	02/09	(S)	Transmitted To House
5	02/23	(H)	Referred To Public Health and Human Services
6	02/25	(H)	Title Suff Do Pass As Amended
7	03/08	(H)	Amended
8	03/08	(H)	Passed As Amended {Vote}
9	03/09	(H)	Returned For Concurrence
10	03/18	(S)	Concurred in Amend From House {Vote}
11	03/22	(S)	Enrolled Bill Signed
12	03/22	(H)	Enrolled Bill Signed
13	03/25		Approved by Governor

Amendments:
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2420

Code Section: A 073-0054-0023

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Wiggins

Title: AN ACT TO AMEND SECTION 73-54-23, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS TO ISSUE A TEMPORARY LICENSE TO

OUT-OF-STATE LICENSEES TO PRACTICE IN A NONPROFIT HEALTH CARE/ COUNSELING FACILITY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Wiggins To: Public Health and Welfare

SENATE BILL NO. 2420
(As Sent to Governor)

f AN ACT TO AMEND SECTION 73-54-23, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS TO ISSUE A TEMPORARY LICENSE TO OUT-OF-STATE LICENSEES TO PRACTICE IN A NONPROFIT HEALTH CARE/COUNSELING FACILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-54-23, Mississippi Code of 1972, is amended as follows:

73-54-23. (1) The board shall issue a license by examination of credentials to any applicant licensed or certified as a marriage and family therapist in another state that has such requirements for the license or certificate that the board is of the opinion that the applicant is competent to engage in the practice of marriage and family therapy in this state, provided that the applicant submits an application on forms prescribed by the board, has passed the national Examination in Marital and Family Therapy, and pays the * * * licensure fee prescribed by Section * * * 73-54-27. The issuance of a license by reciprocity

to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(2) The board shall issue a temporary license by examination of credentials to any applicant who has been licensed or certified for at least one (1) year as a social worker or marriage and family therapist in another state that has such requirements for the license or certificate for the same scope of practice that the board is of the opinion that the applicant is competent to engage in the same practice in this state, provided that the applicant submits an application on forms prescribed by the board, has passed the applicable national examination for marriage and family therapy or the Association of Social Work Boards (ASWB) examination for social workers and pays the licensure fee prescribed by Section 73-54-27. The practice setting for the temporary licensee shall be limited to a nonprofit health or family counseling facility. The applicant shall be required to hold his or her license or certificate from the other state in good standing and the applicant shall be subject to a criminal history records check by the board. The temporary license shall be issued within sixty (60) days after receiving the application if the applicant submits credentials affirming that he or she satisfies the provisions of this subsection (2). The applicant may practice under the temporary license until a regular license is granted for a period not to exceed three hundred sixty-five (365) days. Insurers shall provide reimbursement to providers

based upon the temporary license held by the applicant while the regular license process is completed, and the insurance company may bill for any reimbursement paid to the provider if the application is denied.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2481

Description: Memorial highways; designate various segments.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S)	Referred To Highways and Transportation
2	01/27	(S)	Title Suff Do Pass Comm Sub
3	02/09	(S)	Committee Substitute Adopted
4	02/09	(S)	Amended
5	02/09	(S)	Passed As Amended {Vote}
6	02/11	(S)	Transmitted To House
7	02/23	(H)	Referred To Transportation; Appropriations
8	02/25	(H)	DR - TSDP: TR To AP
9	03/02	(H)	DR - TSDP: AP To TR
10	03/02	(H)	Title Suff Do Pass
11	03/09	(H)	Amended
12	03/09	(H)	Passed As Amended {Vote}
13	03/10	(H)	Returned For Concurrence
14	03/11	(S)	Concurred in Amend From House {Vote}
15	03/11	(S)	Immediate Release
16	03/12	(S)	Enrolled Bill Signed
17	03/12	(H)	Enrolled Bill Signed
18	03/17		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Amendment No 2 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2481

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Transportation, Appropriations

2021 GENERAL LAWS OF MISSISSIPPI SB 2481

Principal Author: DeBar
Additional Authors: McCaughn, Suber, Jordan

Title: AN ACT TO AMEND SECTION 9, CHAPTER 450, LAWS OF 2020, TO REVISE THE DESIGNATION OF A SEGMENT OF MISSISSIPPI HIGHWAY 42 IN GREENE COUNTY, MISSISSIPPI, AS THE "DEPUTY U.S. MARSHAL JAKE GREEN AND GREENE COUNTY DEPUTY LAWRENCE DUNNAM MEMORIAL HIGHWAY, EOW APRIL 1, 1921"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 389 IN CHICKASAW COUNTY, MISSISSIPPI, AS THE "JIMMY PORTER MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 49 IN HATTIESBURG, FORREST COUNTY, MISSISSIPPI, AS THE "CLYDE KENNARD MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 489 IN NEWTON COUNTY, MISSISSIPPI, AS THE "JASON BOYD MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 82 IN LEFLORE COUNTY, MISSISSIPPI, AS THE "DEPUTY MELVIN P. 'BUSTER' BROWN, JR., MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) DeBar, McCaughn, Suber, Jordan

To: Highways and Transportation

SENATE BILL NO. 2481
(As Sent to Governor)

AN ACT TO AMEND SECTION 9, CHAPTER 450, LAWS OF 2020, TO REVISE THE DESIGNATION OF A SEGMENT OF MISSISSIPPI HIGHWAY 42 IN GREENE COUNTY, MISSISSIPPI, AS THE "DEPUTY U.S. MARSHAL JAKE GREEN AND GREENE COUNTY DEPUTY LAWRENCE DUNNAM MEMORIAL HIGHWAY, EOW APRIL 1, 1921"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 389 IN CHICKASAW COUNTY, MISSISSIPPI, AS THE "JIMMY PORTER MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 49 IN HATTIESBURG, FORREST COUNTY, MISSISSIPPI, AS THE "CLYDE KENNARD MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 489 IN NEWTON COUNTY, MISSISSIPPI, AS THE "JASON BOYD MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 82 IN LEFLORE COUNTY, MISSISSIPPI, AS THE "DEPUTY MELVIN P. 'BUSTER' BROWN, JR., MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 9, Chapter 450, Laws of 2020, is amended to read as follows:

Section 9. (1) The segment of Mississippi Highway 42 in Greene County, Mississippi, beginning at its southern intersection with Mississippi Highway 63 and extending one (1) mile west, is designated as the " * * *Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam Memorial Highway, EOW April 1, 1921."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. (1) The segment of Mississippi Highway 389 in Chickasaw County, Mississippi, beginning at its intersection with County Road 82 and extending one (1) mile south, is designated as the "Jimmy Porter Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 3. (1) The segment of U.S. Highway 49 in Forrest County beginning at its intersection with Hardy Street in Hattiesburg and extending one (1) mile north is designated as the "Clyde Kennard Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 4. (1) The segment of Mississippi Highway 489 in Newton County, Mississippi, beginning at its intersection with Mills Road and extending one (1) mile north, is designated as the "Jason Boyd Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 5. (1) The segment of U.S. Highway 82 in Leflore County, Mississippi, beginning at the western city limits of the City of Greenwood and extending one (1) mile west, is designated as the "Deputy Melvin P. 'Buster' Brown, Jr., Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 6. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2552

Description: Pretrial Intervention Program; prohibit eligibility for persons charged with public embezzlement over a certain amount.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Judiciary, Division B
2	01/26	(S) Title Suff Do Pass Comm Sub
3	02/03	(S) Committee Substitute Adopted
4	02/03	(S) Passed {Vote}
5	02/04	(S) Transmitted To House
6	02/24	(H) Referred To Judiciary B
7	02/25	(H) Title Suff Do Pass
8	03/09	(H) Passed {Vote}
9	03/10	(H) Returned For Enrolling
10	03/11	(S) Enrolled Bill Signed
11	03/11	(H) Enrolled Bill Signed
12	03/17	Approved by Governor

Code Section: A 099-0015-0107

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Judiciary B

Principal Author: Sparks
Additional Authors: England, Suber, McLendon, Boyd, McCaughn

Title: AN ACT TO AMEND SECTION 99-15-107, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS CHARGED WITH CRIMES OF FRAUD OR EMBEZZLEMENT EXCEEDING A CERTAIN AMOUNT ARE NOT ELIGIBLE FOR PRETRIAL INTERVENTION; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2552

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2552

AN ACT TO AMEND SECTION 99-15-107, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS CHARGED WITH CRIMES OF FRAUD OR EMBEZZLEMENT EXCEEDING A CERTAIN AMOUNT ARE NOT ELIGIBLE FOR PRETRIAL INTERVENTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 99-15-107, Mississippi Code of 1972, is amended as follows:

99-15-107. A person shall not be * * * eligible for the intervention program provided by Sections 99-15-101 through 99-15-127 if * * * the person has been charged with:

(a) Any crime of violence * * * listed in Section 97-3-2 * * *;

(b) * * * Any offense pertaining to trafficking in a controlled substance, as provided in Section 41-29-139(f); or

(c) Any crime of fraud or embezzlement committed in a public office pursuant to Section 97-7-11 or 97-11-31, amounting to or exceeding Ten Thousand Dollars ($10,000.00).

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2603

Description: Salvage or abandoned vehicles; authorize disposition by auction firms on behalf of insurers.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Insurance
2	01/28	(S) Title Suff Do Pass
3	02/04	(S) Passed {Vote}
4	02/05	(S) Transmitted To House
5	02/24	(H) Referred To Insurance
6	03/01	(H) Title Suff Do Pass
7	03/09	(H) Passed {Vote}
8	03/10	(H) Returned For Enrolling
9	03/12	(S) Enrolled Bill Signed
10	03/12	(H) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 083-0011-0551

----- Additional Information -----

Senate Committee: Insurance
House Committee: Insurance

Principal Author: Michel

Title: AN ACT TO AMEND SECTION 83-11-551, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN INSURER TO DIRECT AN AUCTION FIRM OR AUTOMOTIVE DISMANTLER TO RELEASE A VEHICLE TO THE VEHICLE'S OWNER OR LIENHOLDER WHEN THE INSURER DOES NOT TAKE OWNERSHIP OF THE VEHICLE; TO REQUIRE NOTICE TO THE OWNER AND LIENHOLDER THAT THE VEHICLE IS AVAILABLE FOR PICK UP; TO PROVIDE FOR A LIEN-FREE SALVAGE CERTIFICATE OF TITLE OR A PARTS-ONLY CERTIFICATE OF TITLE TO AN AUCTION FIRM OR AUTOMOTIVE DISMANTLER IF THE OWNER OR LIENHOLDER DOES NOT PICK UP THE VEHICLE WITHIN A CERTAIN NUMBER OF DAYS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Michel To: Insurance

SENATE BILL NO. 2603

AN ACT TO AMEND SECTION 83-11-551, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN INSURER TO DIRECT AN AUCTION FIRM OR AUTOMOTIVE DISMANTLER TO RELEASE A VEHICLE TO THE VEHICLE'S OWNER OR LIENHOLDER WHEN THE INSURER DOES NOT TAKE OWNERSHIP OF THE VEHICLE; TO REQUIRE NOTICE TO THE OWNER AND LIENHOLDER THAT THE VEHICLE IS AVAILABLE FOR PICK UP; TO PROVIDE FOR A LIEN-FREE SALVAGE CERTIFICATE OF TITLE OR A PARTS-ONLY CERTIFICATE OF TITLE TO AN AUCTION FIRM OR AUTOMOTIVE DISMANTLER IF THE OWNER OR LIENHOLDER DOES NOT PICK UP THE VEHICLE WITHIN A CERTAIN NUMBER OF DAYS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-11-551, Mississippi Code of 1972, is amended as follows:

83-11-551. (1) In cases in which there is not a total loss, when there are one or more lienholders shown in the policy or confirmed in writing by the insured before the loss, an insurer paying a claim under automobile physical damage coverage or automobile collision coverage, as such terms are defined in Section 83-11-1, shall add as a payee on the check, in addition to the name of the insured, the name of the business or other entity repairing the automobile or the name of the lienholder or lienholders.

(2) In cases of a total loss, when there are one or more lienholders (a) shown in the policy, (b) confirmed in writing by the insured before the loss, or (c) shown on the vehicle title recorded with the Mississippi Department of Revenue, an insurer paying a claim under automobile physical damage coverage or automobile collision coverage, as such terms are defined in Section 83-11-1, shall add as a payee on the check, in addition to the name of the insured, the name of the lienholder or lienholders.

(3) If the insured disputes the existence of any lien, it is the insured's responsibility to have the liens released. When payment is made to a lienholder, the lienholder shall pay any balance owed to the debtor within thirty (30) days after receipt of the check. However, in the case of a total loss, the insurer may issue separate checks to the lienholder and to the insured for the amount of each party's financial interest in the vehicle. This section shall not apply to the repair or replacement of glass in the vehicle.

(4) If an insurance company makes a total loss settlement on a motor vehicle, the owner or lienholder of the motor vehicle shall forward the properly endorsed certificate of title to the insurance company within fifteen (15) days after receipt of the settlement funds.

(5) (a) If an insurance company is unable to obtain the properly endorsed certificate of title within * * * fifteen (15)

days after disbursing a total loss settlement payment for a motor vehicle that does not have a lien or encumbrance, the insurance company or its agent may request the Department of Revenue to issue a salvage certificate of title or a parts-only certificate of title for the vehicle.

(b) The request under paragraph (a) of this subsection shall:

(i) Be submitted on each form required by and provided by the Department of Revenue which may be completed by the insurance company or its agent;

(ii) * * * Attest on the form required in subparagraph (i) that the insurance company or its agent has made at least two (2) * * * attempts to obtain the certificate of title * * *;

(iii) Include any fees applicable to the issuance of a salvage certificate of title or a parts-only certificate of title; and

(iv) Be signed under penalty of perjury.

(c) Notice under paragraph (b) of this subsection shall be provided concurrently with the payment of the claim or by either first-class mail to the last-known address or other commercially available delivery service or electronic means, including electronic mail or posting on an electronic network or site that is accessible to the vehicle owner via the internet by

using a mobile application, computer, mobile device, tablet or any other electronic device.

(6) (a) If an insurance company or its agent is unable to obtain the properly endorsed certificate of title within * * * fifteen (15) days after disbursing a total loss settlement payment for a motor vehicle that has a lien or encumbrance, the insurance company or its agent shall * * * attest to the Department of Revenue * * * that * * * the lienholder's interest was protected in the total loss indemnity payment for the claim.

(b) The documentation under paragraph (a) of this subsection shall be:

(i) Submitted with a request for a salvage certificate of title or a parts-only certificate of title for the vehicle; and

(ii) The requirements under subsection (5)(b) of this section.

(7) Upon receipt of a properly endorsed certificate of title or a properly executed request under subsection (5) of this section, the Department of Revenue shall issue a salvage certificate of title or a parts-only certificate of title for the vehicle in the name of the insurance company.

(8) The Department of Revenue may promulgate rules, regulations and forms for the administration of subsections (4) through (6) of this section.

(9) (a) If an insurer requests an auction firm, the primary business of which is the sale of salvage vehicles on behalf of insurers, or an automotive dismantler as defined in Section 27-19-303(h), to take possession of a vehicle that is the subject of an insurance claim and subsequently the insurer does not take ownership of the vehicle, the insurer may direct the auction firm or the automotive dismantler to release the vehicle to the owner or lienholder. The insurer shall provide the auction firm or the automotive dismantler a release statement authorizing the auction firm or the automotive dismantler to release the vehicle to the vehicle's owner or lienholder.

(b) Upon receiving a release statement from an insurer, the auction firm or the automotive dismantler shall send notice to the owner and any lienholder of the vehicle informing the owner or lienholder that the vehicle is available for pick up. The notice shall include an invoice for any outstanding charges owed to the auction firm or the automotive dismantler. The notice shall inform the owner and any lienholder that the owner or lienholder has thirty (30) days from the date of the notice, and upon payment of applicable charges owed to the auction firm or the automotive dismantler, to pick up the vehicle from the auction firm or the automotive dismantler. Notice under this subsection must be sent by certified mail to the last-known address or by another commercially available delivery service providing proof of delivery to the address on record with the department.

(c) If the owner or any lienholder of the vehicle does not pick up the vehicle within thirty (30) days after notice was sent to the owner and any lienholder in accordance with this subsection, the vehicle shall be considered abandoned, the vehicle's certificate of title is deemed to be assigned to the auction firm or the automotive dismantler, and the auction firm or the automotive dismantler, without surrendering the certificate of title, may request on a form provided by the department that the department shall issue a lien-free salvage certificate of title or a parts-only certificate of title for the vehicle. The request shall be accompanied by a copy of the notice required by this subsection and proof of delivery of the notice required by this subsection sent to the owner and any lienholder. Notwithstanding any outstanding liens against the vehicle, the department shall issue a lien-free salvage certificate of title or a parts-only certificate of title for the vehicle to the auction firm in possession of the vehicle.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2605

Description: Golf carts and low-speed vehicles; authorize municipalities to permit operation on municipal streets.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/18	(S) Referred To Municipalities
2	02/01	(S) Title Suff Do Pass
3	02/10	(S) Passed {Vote}
4	02/11	(S) Transmitted To House
5	02/24	(H) Referred To Municipalities
6	03/02	(H) Title Suff Do Pass
7	03/09	(H) Passed {Vote}
8	03/10	(H) Returned For Enrolling
9	03/12	(S) Enrolled Bill Signed
10	03/12	(H) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 027-0019-0003, A 027-0051-0005, A 063-0017-0155

----- Additional Information -----

Senate Committee: Municipalities
House Committee: Municipalities

Principal Author: Simmons (12th)
Additional Authors: Barnett, Jackson (32nd), Norwood, Jordan, Simmons (13th)

Title: AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF MUNICIPALITIES TO ALLOW THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE MUNICIPALITY; TO REQUIRE INDIVIDUALS OPERATING A GOLF CART OR LOW-SPEED VEHICLE TO HAVE A VALID DRIVER'S LICENSE OR TEMPORARY DRIVER'S PERMIT AND PROOF OF FINANCIAL RESPONSIBILITY; TO REQUIRE CERTAIN REGISTRATION OF GOLF CARTS AND LOW-SPEED VEHICLES; TO AMEND SECTIONS 27-19-3, 27-51-5 AND 63-17-155, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Simmons (12th), Barnett, Jackson (32nd), Norwood, Jordan, Simmons (13th)

To: Municipalities

SENATE BILL NO. 2605

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF MUNICIPALITIES TO ALLOW THE OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE MUNICIPALITY; TO REQUIRE INDIVIDUALS OPERATING A GOLF CART OR LOW-SPEED VEHICLE TO HAVE A VALID DRIVER'S LICENSE OR TEMPORARY DRIVER'S PERMIT AND PROOF OF FINANCIAL RESPONSIBILITY; TO REQUIRE CERTAIN REGISTRATION OF GOLF CARTS AND LOW-SPEED VEHICLES; TO AMEND SECTIONS 27-19-3, 27-51-5 AND 63-17-155, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act:

(a) "Golf cart" means a motor vehicle that is designated and manufactured for operation on a golf course for sporting or recreational purposes, is not capable of exceeding speeds of twenty (20) miles per hour, and is equipped with safety equipment as required under 49 CFR Section 571.500.

(b) "Low-speed vehicle" means any four-wheeled electric or gasoline-powered vehicle that has a top speed greater than twenty (20) miles per hour but less than twenty-five (25) miles per hour and is equipped with safety equipment as required under 49 CFR Section 571.500.

SECTION 2. (1) The governing authorities of a municipality may, in their discretion, authorize the operation of golf carts and low-speed vehicles only on public roads and streets as designated by ordinance, within the corporate limits of the municipality.

(2) Golf carts and low-speed vehicles may be operated on public roads and streets upon which bicycles are authorized by law to be operated. Golf carts and low-speed vehicles may not be operated on state highways or federal highways that are not interstate highways except for the crossing of these streets, in which case the shortest traveling distance to do so shall be required. Drivers are required to operate golf carts and low-speed vehicles only in the outside lane of multilane streets and roads, where applicable.

(3) Any person operating a golf cart or low-speed vehicle on the public roads and streets under this act must have in his or her possession a valid driver's license or temporary driver's permit and proof of financial responsibility as required under Section 63-15-1 et seq.

SECTION 3. (1) Every golf cart and low-speed vehicle to be operated, as authorized under this act, on a public road or street shall be required to be registered with the city. Upon payment of a reasonable fee that may be charged by the city to cover the costs of administration, presentation of proof of financial responsibility and presentation of a valid driver's license or

temporary driver's permit, the owner of the golf cart or low-speed vehicle shall be issued a registration decal by the county or municipal tax collector that must be displayed on the left rear fender of the vehicle. The registration shall remain valid for as long as the registering owner owns the golf cart or low-speed vehicle. The city shall provide the registrant with a map of the areas where golf carts or low-speed vehicles may be operated at the time of registration. The operator shall be required to have proof of financial responsibility and a valid driver's license in his or her possession at all times while operating the golf cart or low-speed vehicle on public roads and streets of the state.

(2) The registration fee imposed under subsection (1) of this section shall be retained by the municipal clerk and deposited into the municipal general fund.

SECTION 4. Section 27-19-3, Mississippi Code of 1972, is amended as follows:

27-19-3. (a) The following words and phrases when used in this article for the purpose of this article have the meanings respectively ascribed to them in this section, except in those instances where the context clearly describes and indicates a different meaning:

(1) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by muscular power or used exclusively upon stationary rails or tracks.

(2) "Commercial vehicle" means every vehicle used or operated upon the public roads, highways or bridges in connection with any business function.

(3) "Motor vehicle" means every vehicle as defined in this section which is self-propelled, including trackless street or trolley cars. The term "motor vehicle" shall not include electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low-speed vehicles as defined in Section 1 of this act.

(4) "Tractor" means every vehicle designed, constructed or used for drawing other vehicles.

(5) "Motorcycle" means every vehicle designed to travel on not more than three (3) wheels in contact with the ground, except vehicles included within the term "tractor" as herein classified and defined.

(6) "Truck tractor" means every motor vehicle designed and used for drawing other vehicles and so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn and has a gross vehicle weight (GVW) in excess of ten thousand (10,000) pounds.

(7) "Trailer" means every vehicle without motive power, designed to carry property or passengers wholly on its structure and which is drawn by a motor vehicle.

(8) "Semitrailer" means every vehicle (of the trailer type) so designed and used in conjunction with a truck tractor.

(9) "Foreign vehicle" means every motor vehicle, trailer or semitrailer, which shall be brought into the state otherwise than by or through a manufacturer or dealer for resale and which has not been registered in this state.

(10) "Pneumatic tires" means all tires inflated with compressed air.

(11) "Solid rubber tires" means every tire made of rubber other than pneumatic tires.

(12) "Solid tires" means all tires, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(13) "Person" means every natural person, firm, copartnership, corporation, joint-stock or other association or organization.

(14) "Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale, lease or transfer of the possession, the person with the right of purchase upon performance of conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee, lessee, possessor or in the event such or similar transaction is had by means of a mortgage, and the mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, possessor or mortgagor shall be deemed the owner for the purposes of this article.

(15) "School bus" means every motor vehicle engaged solely in transporting school children or school children and teachers to and from schools; however, such vehicles may transport passengers on weekends and legal holidays and during summer months between the terms of school for compensation when the transportation of passengers is over a route of which not more than fifty percent (50%) traverses the route of a common carrier of passengers by motor vehicle and when no passengers are picked up on the route of any such carrier.

(16) "Dealer" means every person engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors or other character of commercial or industrial motor vehicles in this state, and having an established place of business in this state.

(17) "Highway" means and includes every way or place of whatever nature, including public roads, streets and alleys of this state generally open to the use of the public or to be opened or reopened to the use of the public for the purpose of vehicular travel, and notwithstanding that the same may be temporarily closed for the purpose of construction, reconstruction, maintenance or repair.

(18) "State Tax Commission," "commission" or "department" means the Commissioner of Revenue of the Department of Revenue of this state, acting directly or through his duly authorized officers, agents, representatives and employees.

(19) "Common carrier by motor vehicle" means any person who or which undertakes, whether directly or by a lease or any other arrangement, to transport passengers or property or any class or classes of property for the general public in interstate or intrastate commerce on the public highways of this state by motor vehicles for compensation, whether over regular or irregular routes. The term "common carrier by motor vehicle" shall not include passenger buses operating within the corporate limits of a municipality in this state or not exceeding five (5) miles beyond the corporate limits of the municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

(20) "Contract carrier by motor vehicle" means any person who or which under the special and individual contract or agreements, and whether directly or by a lease or any other arrangement, transports passengers or property in interstate or intrastate commerce on the public highways of this state by motor vehicle for compensation. The term "contract carrier by motor vehicle" shall not include passenger buses operating wholly within the corporate limits of a municipality in this state or not exceeding five (5) miles beyond the corporate limits of the municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

(21) "Private commercial and noncommercial carrier of property by motor vehicle" means any person not included in the

terms "common carrier by motor vehicle" or "contract carrier by motor vehicle," who or which transports in interstate or intrastate commerce on the public highways of this state by motor vehicle, property of which such person is the owner, lessee, or bailee, other than for hire. The term "private commercial and noncommercial carrier of private property by motor vehicle" shall not include passenger buses operated wholly within the corporate limits of a municipality of this state, or not exceeding five (5) miles beyond the corporate limits of the municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

Haulers of fertilizer shall be classified as private commercial carriers of property by motor vehicle.

(22) "Private carrier of passengers" means all other passenger motor vehicle carriers not included in the above definitions. The term "private carrier of passengers" shall not include passenger buses operating wholly within the corporate limits of a municipality in this state, or not exceeding five (5) miles beyond the corporate limits of the municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

(23) "Operator" means any person, partnership, joint-stock company or corporation operating on the public highways of the state one or more motor vehicles as the beneficial owner or lessee.

(24) "Driver" means the person actually driving or operating such motor vehicle at any given time.

(25) "Private carrier of property" means any person transporting property on the highways of this state as defined below:

(* * *i) Any person, or any employee of such person, transporting farm products, farm supplies, materials and/or equipment used in the growing or production of his own agricultural products in his own truck.

(* * *ii) Any person transporting his own fish, including shellfish, in his own truck.

(* * *iii) Any person, or any employee of such person, transporting unprocessed forest products, or timber harvesting equipment wherein ownership remains the same, in his own truck.

(26) "Taxicab" means any passenger motor vehicle for hire with a seating capacity not greater than ten (10) passengers. For purposes of this paragraph (26), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the Department of Revenue.

(27) "Passenger coach" means any passenger motor vehicle with a seating capacity greater than ten (10) passengers,

operating wholly within the corporate limits of a municipality of this state or within five (5) miles of the corporate limits of the municipality, or motor vehicles substituted for abandoned electric railway systems in or between municipalities. For purposes of this paragraph (27), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the Department of Revenue.

(28) "Empty weight" means the actual weight of a vehicle including fixtures and equipment necessary for the transportation of load hauled or to be hauled.

(29) "Gross weight" means the empty weight of the vehicle, as defined herein, plus any load being transported or to be transported.

(30) "Ambulance and hearse" shall have the meaning generally ascribed to them. A hearse or funeral coach shall be classified as a light carrier of property, as defined in Section 27-51-101.

(31) "Regular seats" means each seat ordinarily and customarily used by one (1) passenger, including all temporary, emergency, and collapsible seats. Where any seats are not distinguished or separated by separate cushions and backs, a seat shall be counted for each eighteen (18) inches of space on such

seats or major fraction thereof. In the case of a regular passenger-type automobile which is used as a common or contract carrier of passengers, three (3) seats shall be counted for the rear seat of such automobile and one (1) seat shall be counted for the front seat of such automobile.

(32) "Ton" means two thousand (2,000) pounds avoirdupois.

(33) "Bus" means any passenger vehicle with a seating capacity of more than ten (10) but shall not include "private carrier of passengers" and "school bus" as defined in paragraphs (15) and (22) of this section. For purposes of this paragraph (33), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the Department of Revenue.

(34) "Corporate fleet" means a group of two hundred (200) or more marked private carriers of passengers or light carriers of property, as defined in Section 27-51-101, trailers, semitrailers, or motor vehicles in excess of ten thousand (10,000) pounds gross vehicle weight, except for those vehicles registered for interstate travel, owned or leased on a long-term basis by a corporation or other legal entity. In order to be considered marked, the motor vehicle must have a name, trademark or logo located either on the sides or the rear of the vehicle in sharp

contrast to the background, and of a size, shape and color that is legible during daylight hours from a distance of fifty (50) feet.

(35) "Individual fleet" means a group of five (5) or more private carriers of passengers or light carriers of property, as defined in Section 27-51-101, owned or leased by the same person and principally garaged in the same county.

(36) "Trailer fleet" means a group of fifty (50) or more utility trailers each with a gross vehicle weight of six thousand (6,000) pounds or less.

(b) (1) No lease shall be recognized under the provisions of this article unless it shall be in writing and shall fully define a bona fide relationship of lessor and lessee, signed by both parties, dated and be in the possession of the driver of the leased vehicle at all times.

(2) Leased vehicles shall be considered as domiciled at the place in the State of Mississippi from which they operate in interstate or intrastate commerce, and for the purposes of this article shall be considered as owned by the lessee, who shall furnish all insurance on the vehicles and the driver of the vehicles shall be considered as an agent of the lessee for all purposes of this article.

SECTION 5. Section 27-51-5, Mississippi Code of 1972, is amended as follows:

27-51-5. The subject words and terms of this section, for the purpose of this chapter, shall have meanings as follows:

(a) "Motor vehicle" means any device and attachments supported by one or more wheels which is propelled or drawn by any power other than muscular power over the highways, streets or alleys of this state. The term "motor vehicle" shall not include electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low-speed vehicles as defined in Section 1 of this act. However, mobile homes which are detached from any self-propelled vehicles and parked on land in the state are hereby expressly exempt from the motor vehicle ad valorem taxes, but house trailers which are actually in transit and which are not parked for more than an overnight stop are not exempted.

(b) "Public highway" means and includes every way or place of whatever nature, including public roads, streets and alleys of this state generally open to the use of the public or to be opened or reopened to the use of the public for the purpose of vehicular travel, notwithstanding that the same may be temporarily closed for the purpose of construction, reconstruction, maintenance, or repair.

(c) "Administrator of the road and bridge privilege tax law" means the official authorized by law to administer the road and bridge privilege tax law of this state.

SECTION 6. Section 63-17-155, Mississippi Code of 1972, is amended as follows:

63-17-155. As used in Sections 63-17-151 through 63-17-165, the following terms shall have the following meanings:

(a) "Collateral charges" means those additional charges to a consumer which are not directly attributable to the manufacturer's suggested retail price label for the motor vehicle. Collateral charges shall include, but not be limited to, dealer preparation charges, undercoating charges, transportation charges, towing charges, replacement car rental costs and title charges.

(b) "Comparable motor vehicle" means an identical or reasonably equivalent motor vehicle.

(c) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty.

(d) "Express warranty" means any written affirmation of fact or promise made in connection with the sale of a motor vehicle by a supplier to a consumer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect-free or will meet a specified level of performance over a specified period of time. For the purposes of Section 63-17-151 et seq., express warranties do not include implied warranties.

(e) "Manufacturer" means a manufacturer or distributor as defined in Section 63-17-55.

(f) "Motor vehicle" means a vehicle propelled by power other than muscular power which is sold in this state, is operated over the public streets and highways of this state and is used as a means of transporting persons or property, but shall not include vehicles run only upon tracks, off-road vehicles, motorcycles, mopeds, electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low-speed vehicles as defined in Section 1 of this act, or parts and components of a motor home which were added on and/or assembled by the manufacturer of the motor home. "Motor vehicle" shall include demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a condition of sale.

(g) "Purchase price" means the price which the consumer paid to the manufacturer to purchase the motor vehicle in a cash sale or, if the motor vehicle is purchased in a retail installment transaction, the cash sale price as defined in Section 63-19-3.

SECTION 7. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2606

Description: Mississippi Native Spirit Law; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Tourism; Finance
2	02/01	(S) DR - TSDP: TO To FI
3	02/02	(S) Title Suff Do Pass
4	02/05	(S) Passed {Vote}
5	02/08	(S) Transmitted To House
6	02/24	(H) Referred To Tourism
7	03/01	(H) Title Suff Do Pass
8	03/09	(H) Passed {Vote}
9	03/10	(H) Returned For Enrolling
10	03/15	(S) Enrolled Bill Signed
11	03/15	(H) Enrolled Bill Signed
12	03/22	Approved by Governor

Code Section: A 067-0001-0005, A 067-0001-0007, A 067-0001-0013, A 067-0001-0037, A 067-0001-0041, A 067-0001-0045, A 067-0001-0051, A 067-0001-0073, A 027-0004-0003, A 027-0071-0005, A 027-0071-0007, A 027-0071-0021, A 027-0077-0001, A 027-0077-0017

----- Additional Information -----

Senate Committee: Tourism, Finance
House Committee: Tourism

Principal Author: Chassaniol
Additional Authors: Jackson (11th)

Title: AN ACT TO CREATE NEW SECTIONS 67-11-1, 67-11-3, 67-11-5, 67-11-7, 67-11-9 AND 67-11-11, MISSISSIPPI CODE OF 1972, TO BE KNOWN AS THE "MISSISSIPPI NATIVE SPIRIT LAW"; TO DEFINE "NATIVE SPIRIT" AS A BEVERAGE PRODUCED IN MISSISSIPPI FOR SALE POSSESSING A VOLUME OF AT LEAST 51% OF THE FINISHED PRODUCT OBTAINED FROM DISTILLATION OF FERMENTED GRAIN, STARCH, MOLASSES OR

SUGAR GROWN AND PRODUCED IN MISSISSIPPI; TO DEFINE "NATIVE DISTILLERY" AS AN ESTABLISHMENT WITHIN THIS STATE WHERE NATIVE SPIRIT IS PRODUCED IN WHOLE OR IN PART FOR SALE; TO LEGALIZE THE MANUFACTURE AND SALE OF NATIVE SPIRITS, TO BE REGULATED IN THE SAME MANNER AS NATIVE WINES; TO ESTABLISH PRIVILEGE AND EXCISE TAXES UPON PRODUCERS OF NATIVE SPIRITS; TO AMEND SECTIONS 67-1-5, 67-1-7, 67-1-13, 67-1-37, 67-1-41, 67-1-45, 67-1-51, 67-1-73, 27-4-3, 27-71-5, 27-71-7, 27-71-21, 27-77-1 AND 27-77-17, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Chassaniol, Jackson (11th) To: Tourism; Finance

SENATE BILL NO. 2606

AN ACT TO CREATE NEW SECTIONS 67-11-1, 67-11-3, 67-11-5, 67-11-7, 67-11-9 AND 67-11-11, MISSISSIPPI CODE OF 1972, TO BE KNOWN AS THE "MISSISSIPPI NATIVE SPIRIT LAW"; TO DEFINE "NATIVE SPIRIT" AS A BEVERAGE PRODUCED IN MISSISSIPPI FOR SALE POSSESSING A VOLUME OF AT LEAST 51% OF THE FINISHED PRODUCT OBTAINED FROM DISTILLATION OF FERMENTED GRAIN, STARCH, MOLASSES OR SUGAR GROWN AND PRODUCED IN MISSISSIPPI; TO DEFINE "NATIVE DISTILLERY" AS AN ESTABLISHMENT WITHIN THIS STATE WHERE NATIVE SPIRIT IS PRODUCED IN WHOLE OR IN PART FOR SALE; TO LEGALIZE THE MANUFACTURE AND SALE OF NATIVE SPIRITS, TO BE REGULATED IN THE SAME MANNER AS NATIVE WINES; TO ESTABLISH PRIVILEGE AND EXCISE TAXES UPON PRODUCERS OF NATIVE SPIRITS; TO AMEND SECTIONS 67-1-5, 67-1-7, 67-1-13, 67-1-37, 67-1-41, 67-1-45, 67-1-51, 67-1-73, 27-4-3, 27-71-5, 27-71-7, 27-71-21, 27-77-1 AND 27-77-17, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 67-11-1, Mississippi Code of 1972:

67-11-1. This chapter shall be known and may be cited as the "Mississippi Native Spirit Law."

SECTION 2. The following shall be codified as Section 67-11-3, Mississippi Code of 1972:

67-11-3. For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires:

(a) "Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.

(b) "Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.

(c) "Produce" shall mean to do or to perform any act or thing in the process of making native spirit.

(d) "Person" shall mean one or more natural persons, or a corporation, partnership or association.

(e) "Producer" shall mean any person who owns, operates or conducts a native distillery, but it does not mean the employees of such persons.

(f) "Consumer" shall mean any person who purchases native spirit for the purpose of consuming it, giving it away, or distributing it in any way other than by sale, barter or exchange.

(g) "Department" shall mean the Mississippi Department of Revenue.

(h) "Division" shall mean the Alcoholic Beverage Control Division of the department.

SECTION 3. The following shall be codified as Section 67-11-5, Mississippi Code of 1972:

67-11-5. It shall be lawful to produce native spirit in the State of Mississippi and to sell such native spirit within or without this state. Native spirit shall be subject to the gallonage excise tax levied by Section 67-11-11.

The production of native spirit is hereby declared, under the laws of this state, to be a privilege and, as such, shall be subject to the privilege license tax levied by Section 67-11-11.

SECTION 4. The following shall be codified as Section 67-11-7, Mississippi Code of 1972:

67-11-7. (1) Every native distillery in the State of Mississippi shall apply for a permit as provided for in Section 67-1-51 and shall be issued said initial and renewal permit by the department upon meeting the qualifications and requirements set forth by law or regulation for permits authorized by Section 67-1-51.

(2) Every native distillery shall register with the Secretary of State, shall show the location and permit number of the distillery, shall show the name and address of the producer owning, conducting or operating the distillery, shall show the

name and address of all local agents and such other pertinent information which may be required by the Secretary of State, and shall appoint an agent for service of process within the State of Mississippi.

SECTION 5. The following shall be codified as Section 67-11-9, Mississippi Code of 1972:

67-11-9. (1) Within the State of Mississippi, every native distillery is authorized to make sales to the department or to consumers at the location of the native distillery or its immediate vicinity. Every native distillery is authorized to make sales to any producer, manufacturer, wholesaler, retailer or consumer located outside of the State of Mississippi who is authorized by law to purchase the same.

(2) With respect to native spirits sold by the department to retailers under Section 67-1-41, the native distillery may hold those spirits for onsite pickup instead of shipping them to the department warehouse, at the option of the retailer and pursuant to any rules promulgated by the department.

SECTION 6. The following shall be codified as Section 67-11-11, Mississippi Code of 1972:

67-11-11. (1) Upon every producer holding a permit for the production of native spirits, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the production of native spirits an annual privilege license tax in an amount equal to Ten Dollars ($10.00) for each

one thousand (1,000) gallons, or any part thereof, of native spirits produced by the distillery.

(2) There is levied and assessed an excise tax upon each case of native spirit sold by a producer to any source to be collected from the producer in the amount provided for in Section 27-71-7. However, native spirit produced in Mississippi for export and sale without this state and native spirit produced in Mississippi and sold to the department shall not be subject to the excise tax, nor shall the tax accrue or be collected on native spirits dispensed, as free samples in quantities of not more than two (2) ounces, in the tasting room of a native distillery.

(3) The privilege tax imposed by subsection (1) of this section shall be collected in the same manner as presently provided by law for the collection of other alcoholic beverages. The excise tax imposed by subsection (2) of this section shall be reported monthly by the producer to the department on all sales made in Mississippi to consumers at the location of the native distillery in its immediate vicinity, along with a statement of gallonage produced during that month, and the producer shall remit the tax due and owing with each report. The producer shall also include in the report a statement of gallonage sold and exported for sale outside this state.

(4) All taxes levied by and collected under this section shall be deposited in the State General Fund.

SECTION 7. Section 67-1-5, Mississippi Code of 1972, is amended as follows:

67-1-5. For the purposes of this chapter and unless otherwise required by the context:

(a) "Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine, light spirit product and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines and native spirits. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state.

(b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) "Distilled spirits" means any beverage containing more than four percent (4%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.

(d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound,

ripe grapes, fruits, honey or berries and made in accordance with the revenue laws of the United States.

(e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.

(f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

(g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division.

(j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue.

(k) "Municipality" means any incorporated city or town of this state.

(l) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this chapter, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section.

(m) "Restaurant" means:

(i) A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches

and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this paragraph, no place shall qualify as a restaurant under this chapter unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or

(ii) Any privately owned business located in a building in a historic district where the district is listed in the National Register of Historic Places, where the building has a total occupancy rating of not less than one thousand (1,000) and where the business regularly utilizes ten thousand (10,000) square feet or more in the building for live entertainment, including not only the stage, lobby or area where the audience sits and/or stands, but also any other portion of the building necessary for the operation of the business, including any kitchen area, bar area, storage area and office space, but excluding any area for parking. In addition to the other requirements of this subparagraph, the business must also serve food to guests for compensation within the building and derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales to live entertainment in the building, and from the rental of all or part of the facilities of

the business in the building to another party for a specific event or function.

(n) "Club" means an association or a corporation:

(i) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;

(ii) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(iii) Maintained by its members through the payment of annual dues;

(iv) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(v) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(vi) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this chapter, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof.

(o) "Qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the department. The department may not approve an area as a qualified resort area after July 1, 2018, if any portion of such proposed area is located within two (2) miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or

monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

(i) The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.

(ii) The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this chapter, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.

(iii) The term includes:

1. The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle

State Park, the Percy Quin State Park and the Hugh White State Park;

2. The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities where the golf course, tennis courts and related facilities and swimming pool and related facilities are adjacent to one or more planned residential developments and the golf course and all such developments collectively include at least seven hundred fifty (750) acres and at least four hundred (400) residential units;

3. Any facility located on property that is a game reserve with restricted access that consists of at least three thousand (3,000) contiguous acres with no public roads and that offers as a service hunts for a fee to overnight guests of the facility;

4. Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;

5. Any facility that is located in a municipality that is bordered by the Pearl River, traversed by Mississippi Highway 25, adjacent to the boundaries of the Jackson International Airport and is located in a county which has voted against coming out from under the dry law; however, any such

facility may only be located in areas designated by the governing authorities of such municipality;

6. Any municipality with a population in excess of ten thousand (10,000) according to the latest federal decennial census that is located in a county that is bordered by the Pearl River and is not traversed by Interstate Highway 20, with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages;

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

7. The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007;

8. a. Land that is located in any county in which Mississippi Highway 43 and Mississippi Highway 25 intersect and:

A. Owned by the Pearl River Valley Water Supply District, and/or

B. Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/or

C. Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road, south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi;

b. The board of supervisors of such county, with respect to B and C of item 8.a., may by resolution or other order:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

9. Any facility located on property that is a game reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the

facility, and has accommodations for at least fifty (50) overnight guests;

10. Any facility that:

a. Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled,

b. For a fee is used to host events such as weddings, reunions and conventions,

c. Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, and

d. Is located on property that consists of at least thirty (30) contiguous acres;

11. Any facility and related property:

a. Located on property that consists of at least one hundred twenty-five (125) contiguous acres and consisting of an eighteen (18) hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square feet being heated and cooled,

b. Used for the purpose of providing meals and hosting events, and

c. Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses;

12. Any facility and related property that:

a. Consist of at least eight thousand (8,000) square feet being heated and cooled,

b. For a fee is used to host events,

c. Is used for the purpose of culinary arts courses, and/or outdoor recreation and leadership courses;

13. The clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least two hundred (200) acres and at least one hundred fifty (150) residential units and are located a. in a county that has voted against coming out from under the dry law; and b. outside of but in close proximity to a municipality in such county which has voted under Section 67-1-14, after January 1, 2013, to come out from under the dry law;

14. The clubhouse and associated eighteen (18) hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;

15. Land that is planned for mixed use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments

collectively planned to include at least two hundred (200) residential units when completed and which land is located:

a. In a county that has voted to come out from under the dry law,

b. Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, and

c. Within one (1) mile of a state institution of higher learning;

16. Any facility with a capacity of five hundred (500) people or more, to be used as a venue for private events, on a tract of land in the Southwest Quarter of Section 33, Township 2 South, Range 7 East, of a county where U.S. Highway 45 and U.S. Highway 72 intersect and that has not voted to come out from under the dry law;

17. One hundred five (105) contiguous acres, more or less, located in Hinds County, Mississippi, and in the City of Jackson, Mississippi, whereon are constructed a variety of buildings, improvements, grounds or objects for the purpose of holding events thereon to promote agricultural and industrial development in Mississippi;

18. Land that is owned by a state institution of higher learning and:

a. Located entirely within a county that has elected by majority vote not to permit the transportation,

storage, sale, distribution, receipt and/or manufacture of light wine and beer pursuant to Section 67-3-7, and

b. Adjacent to but outside the incorporated limits of a municipality that has elected by majority vote to permit the sale, receipt, storage and transportation of light wine and beer pursuant to Section 67-3-9.

If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18;

19. Any facility and related property:

a. Used as a flea market or similar venue during a weekend (Saturday and Sunday) immediately preceding the first Monday of a month and having an annual average of at least one thousand (1,000) visitors for each such weekend and five hundred (500) vendors for Saturday of each such weekend, and

b. Located in a county that has not voted to come out from under the dry law and outside of but in close proximity to a municipality located in such county and which municipality has voted to come out from under the dry law;

20. Blocks 1, 2 and 3 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in:

a. A county traversed by Interstate 55 and Interstate 20, and

b. A judicial district that has not voted to come out from under the dry law;

21. Any municipality with a population in excess of two thousand (2,000) according to the latest federal decennial census and in which is located a part of White's Creek Lake and in which U.S. Highway 82 intersects with Mississippi Highway 9 and located in a county that is partially bordered on one (1) side by the Big Black River; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located.

22. A restaurant located on a two-acre tract adjacent to a five-hundred-fifty-acre lake in the northeast corner of a county traversed by U.S. Interstate 55 and U.S. Highway 84.

23. Any tracts of land in Oktibbeha County, situated east of Mississippi Boulevard, north of Coliseum

Boulevard and east of Montgomery Hill Road, and not located on the property of a state institution of higher learning.

The status of these municipalities, districts, clubhouses, facilities, golf courses and areas described in subparagraph (iii) of this paragraph (o) as qualified resort areas does not require any declaration of same by the department.

(p) "Native wine" means any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The department shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon.

(q) "Native winery" means any place or establishment within the State of Mississippi where native wine is produced, in whole or in part, for sale.

(r) "Bed and breakfast inn" means an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are

located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

(s) "Board" shall refer to the Board of Tax Appeals of the State of Mississippi.

(t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.

(u) "Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.

(v) "Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons

are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores.

(w) "Campus" means property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.

(x) "Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.

(y) "Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.

SECTION 8. Section 67-1-7, Mississippi Code of 1972, is amended as follows:

67-1-7. (1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this chapter, the manufacture, sale, distribution, and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election called and held for that purpose under the provisions of this chapter, a majority of the qualified electors voting in such election shall vote in favor thereof. The manufacture, sale, distribution and possession of native wines or native spirits shall be lawful in any location within any such county except those locations where the manufacture, sale or distribution is prohibited by law other than this section or by regulations of the department.

(2) Notwithstanding the foregoing, within any state park or any state park facility that has been declared a qualified resort area by the department, and within any qualified resort area as defined under Section 67-1-5(o)(iii), an on-premises retailer's permit may be issued for the qualified resort area, and the permittee may lawfully sell alcoholic beverages for consumption on his licensed premises regardless of whether or not the county or

municipality in which the qualified resort area is located has voted in favor of coming out from under the dry law, and it shall be lawful to receive, store, sell, possess and consume alcoholic beverages on the licensed premises, and to sell, distribute and transport alcoholic beverages to the licensed premises. Moreover, the governing authorities of a municipality in which a qualified resort area defined under Section 67-1-5(o)(iii)5, 7 or 21 is located, the Pearl River Valley Water Supply District Board which governs the qualified resort area defined under Section 67-1-5(o)(iii)8.a.A, and the board of supervisors of the county in which the qualified resort area defined under Section 67-1-5(o)(iii)8.a.B and C is located, may, by ordinance or resolution, provide that package retailer's permits may be issued in the applicable qualified resort area, and that it shall be lawful to receive, store, sell, possess and distribute alcoholic beverages in accordance with such package retailer's permits.

SECTION 9. Section 67-1-13, Mississippi Code of 1972, is amended as follows:

67-1-13. (1) When this chapter has been made effective and operative in any county as a result of an election called and held as provided in Section 67-1-11, the same may be made ineffective and inapplicable therein by an election called and held upon a petition filed with the board of supervisors requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the

county as is otherwise provided in Section 67-1-11, all of the provisions of which shall be fully applicable thereto. However, nothing herein shall authorize or permit the calling and holding of any election under this chapter in any county more often than once every two (2) years. If in such election, a majority of the qualified electors participating therein shall vote against the legalized sale of intoxicating liquor, then the prohibition laws of the State of Mississippi, except as otherwise provided under Sections 67-9-1 and 67-1-7(2), shall become applicable in said county.

(2) Notwithstanding an election reinstating the prohibition laws in a political subdivision, the holder of a native wine or native spirit producer's permit or a native wine or native spirit retailer's permit is allowed to continue to operate under such permits and to renew such permits. Possession of native wines or native spirits and personal property related to the activities of the native wine permit or native spirit permit holder which would otherwise be unlawful under prohibition shall be allowed subject to regulations of the Alcoholic Beverage Control Division.

SECTION 10. Section 67-1-37, Mississippi Code of 1972, is amended as follows:

67-1-37. The Department of Revenue, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have the following powers, functions and duties:

(a) To issue or refuse to issue any permit provided for by this chapter, or to extend the permit or remit in whole or any part of the permit monies when the permit cannot be used due to a natural disaster or act of God.

(b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this chapter, or the law governing the production and sale of native wines or native spirits, or any lawful rules and regulations of the department issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this chapter. The department shall also be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or Section 93-11-163, as the case may be, shall control.

(c) To prescribe forms of permits and applications for permits and of all reports which it deems necessary in administering this chapter.

(d) To fix standards, not in conflict with those prescribed by any law of this state or of the United States, to secure the use of proper ingredients and methods of manufacture of alcoholic beverages.

(e) To issue rules regulating the advertising of alcoholic beverages in the state in any class of media and permitting advertising of the retail price of alcoholic beverages.

(f) To issue reasonable rules and regulations, not inconsistent with the federal laws or regulations, requiring informative labeling of all alcoholic beverages offered for sale within this state and providing for the standards of fill and shapes of retail containers of alcoholic beverages; however, such containers shall not contain less than fifty (50) milliliters by liquid measure.

(g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The Alcoholic Beverage Control Division shall not issue a package retailer's or on-premises retailer's permit for the sale or consumption of alcoholic beverages in or on the campus of any public school, community or junior college, college or university.

(h) To adopt and promulgate, repeal and amend, such rules, regulations, standards, requirements and orders, not inconsistent with this chapter or any law of this state or of the United States, as it deems necessary to control the manufacture, importation, transportation, distribution and sale of alcoholic liquor, whether intended for beverage or nonbeverage use in a manner not inconsistent with the provisions of this chapter or any other statute, including the native wine and native spirit laws.

(i) To call upon other administrative departments of the state, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties.

(j) To prepare and submit to the Governor during the month of January of each year a detailed report of its official acts during the preceding fiscal year ending June 30, including such recommendations as it may see fit to make, and to transmit a like report to each member of the Legislature of this state upon the convening thereof at its next regular session.

(k) To inspect, or cause to be inspected, any premises where alcoholic liquors intended for sale are manufactured, stored, distributed or sold, and to examine or cause to be examined all books and records pertaining to the business conducted therein.

(l) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him to the Legislature of this state such amendments to this chapter, if any, as it may think desirable.

(m) To designate hours and days when alcoholic beverages may be sold in different localities in the state which permit such sale.

(n) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages and to take any other action concerning persons employed under this chapter as authorized by law and taken in accordance with the rules, regulations and procedures of the State Personnel Board.

(o) To enforce the provisions made unlawful by Chapter 3, Title 67 and Section 97-5-49.

(p) To delegate its authority under this chapter to the Alcoholic Beverage Control Division, its director or any other officer or employee of the department that it deems appropriate.

(q) To prescribe and charge a fee to defray the costs of shipping alcoholic beverages, provided that such fee is determined in a manner provided by the department by rules and/or regulations adopted in accordance with the Mississippi Administrative Procedures Law.

SECTION 11. Section 67-1-41, Mississippi Code of 1972, is amended as follows:

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department except as authorized in subsections (4), (9) and (12) of this section. The department may establish warehouses, purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this chapter.

(2) No person for the purpose of sale shall manufacture, distill, brew, sell, possess, export, transport, distribute, warehouse, store, solicit, take orders for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except in

accordance with authority granted under this chapter, or as otherwise provided by law for native wines or native spirits.

(3) No alcoholic beverage intended for sale or resale shall be imported, shipped or brought into this state for delivery to any person other than as provided in this chapter, or as otherwise provided by law for native wines or native spirits.

(4) The department may promulgate rules and regulations which authorize on-premises retailers to purchase limited amounts of alcoholic beverages from package retailers and for package retailers to purchase limited amounts of alcoholic beverages from other package retailers. The department shall develop and provide forms to be completed by the on-premises retailers and the package retailers verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

(5) The department may promulgate rules which authorize the holder of a package retailer's permit to permit individual retail purchasers of packages of alcoholic beverages to return, for exchange, credit or refund, limited amounts of original sealed and unopened packages of alcoholic beverages purchased by the individual from the package retailer.

(6) The department shall maintain all forms to be completed by applicants necessary for licensure by the department at all district offices of the department.

(7) The department may promulgate rules which authorize the manufacturer of an alcoholic beverage or wine to import, transport and furnish or give a sample of alcoholic beverages or wines to the holders of package retailer's permits, on-premises retailer's permits, native wine or native spirit retailer's permits and temporary retailer's permits who have not previously purchased the brand of that manufacturer from the department. For each holder of the designated permits, the manufacturer may furnish not more than five hundred (500) milliliters of any brand of alcoholic beverage and not more than three (3) liters of any brand of wine.

(8) The department may promulgate rules disallowing open product sampling of alcoholic beverages or wines by the holders of package retailer's permits and permitting open product sampling of alcoholic beverages by the holders of on-premises retailer's permits. Permitted sample products shall be plainly identified "sample" and the actual sampling must occur in the presence of the manufacturer's representatives during the legal operating hours of on-premises retailers.

(9) The department may promulgate rules and regulations that authorize the holder of a research permit to import and purchase limited amounts of alcoholic beverages from importers, wineries and distillers of alcoholic beverages or from the department. The department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time

prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the Director of the Alcoholic Beverage Control Division or any duly authorized agent.

(10) The department may promulgate rules facilitating a retailer's on-site pickup of native wines or native spirits sold by the department, so that those wines may be delivered to the retailer at the native winery or native distillery instead of via shipment from the department's warehouse.

(11) **[Through June 30, 2023]** This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit or a festival wine permit.

(11) **[From and after July 1, 2023]** This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit.

(12) (a) An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department. No credit shall be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling shipments from wineries on behalf of the

purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

(b) The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than ten (10) cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within two (2) days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within thirty (30) days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.

(c) Shipments of wine into this state under this section shall be made by a duly licensed carrier. It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract carrier, firm or corporation making the report, the period of time covered by said report, the name and permit number of the winery,

the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.

Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business.

Any common or contract carrier that willfully fails to make reports, as provided by this section or any of the rules and regulations of the department for the administration and enforcement of this section, is subject to a notification of violation. In the case of a continuing failure to make reports,

the common or contract carrier is subject to possible license suspension and revocation at the department's discretion.

(d) A winery that ships wine under this section shall be deemed to have consented to the jurisdiction of the courts of this state, of the department, of any other state agency regarding the enforcement of this section, and of any related law, rules or regulations.

(e) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars ($1,000.00) or imprisonment in the county jail for not more than six (6) months, or both. Each shipment shall constitute a separate offense.

(13) If any provision of this chapter, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages to protect the health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by this chapter upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and impair the state's policy favoring trade stability and the promotion of temperance.

SECTION 12. Section 67-1-45, Mississippi Code of 1972, is amended as follows:

67-1-45. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity.

Any violation of this section by any manufacturer, rectifier or distiller shall be punished by a fine of not less than Five Hundred Dollars ($500.00), and not more than Two Thousand Dollars ($2,000.00), to which may be added imprisonment in the county jail not to exceed six (6) months.

SECTION 13. Section 67-1-51, Mississippi Code of 1972, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines and native spirits, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior

approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine

to be removed from the licensed premises for every two (2) entrees ordered. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his

employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of

alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for

consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing

the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being

catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport

and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at

the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native

spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and

native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise

supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit**. The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this

chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) **Festival wine permit.** Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the

holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

This paragraph (r) shall stand repealed from and after July 1, 2023.

(s) **Native spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling

to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the

authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of

the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

SECTION 14. Section 67-1-73, Mississippi Code of 1972, is amended as follows:

67-1-73. Every manufacturer, including native wine or native spirit producers, within or without the state, and every other shipper of alcoholic beverages who sells any alcoholic beverage, including native wine or native spirit, within the state, shall, at the time of making such sale, file with the * * * department a copy of the invoice of such sale showing in detail the kind of alcoholic beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content, and the name and address of the person to whom sold.

Every person transporting alcoholic beverages, including native wine or native spirit, within this state to a point within this state, whether such transportation originates within or

without this state, shall, within five (5) days after delivery of such shipment, furnish the * * * department a copy of the bill of lading or receipt, showing the name or consignor or consignee, date, place received, destination, and quantity of alcoholic beverages delivered. Upon failure to comply with the provisions of this section, such person shall be deemed guilty of a misdemeanor and, upon conviction, thereof shall be fined in the sum of Fifty Dollars ($50.00) for each offense.

SECTION 15. Section 27-4-3, Mississippi Code of 1972, is amended as follows:

27-4-3. (1) The Board of Tax Appeals shall have the following powers and duties:

(a) To adopt, amend or repeal those rules or regulations necessary to implement the duties assigned to the board.

(b) To have jurisdiction over all administrative appeals to the board from decisions of the review board and administrative hearing officers of the Department of Revenue under Sections 27-77-5, 27-77-9, 27-77-11 and 27-77-12, to arrange the time and place of the hearing on any such appeal, and where required, to arrange for any evidence presented to the board at such hearing to be transcribed or otherwise preserved for purposes of making a record of the hearing.

(c) To have jurisdiction over all administrative appeals regarding certain decisions and actions by the Department

of Revenue under the Local Option Alcoholic Beverage Control Law, Section 67-1-1 et seq., * * * under the Mississippi Native Wine Law of 1976, Section 67-5-1 et seq., and under the Mississippi Native Spirit Law, Section 67-11-1 et seq., as provided for under Section 67-1-72, to arrange the time and place of the hearing on any such appeal and to arrange for any evidence presented to the board at such hearing to be transcribed or otherwise preserved for purposes of making a record of the hearing.

(d) To have jurisdiction over all administrative appeals under Sections 27-33-37 and 27-33-41 to the board from decisions of the Department of Revenue to deny an objection of a board of supervisors to the rejection by the Department of Revenue of an application for homestead exemption and to arrange the time and place of the hearing on any such appeal.

(e) To have jurisdiction over all administrative appeals under Section 27-35-113 to the board from the decision of the Department of Revenue regarding its examination of the recapitulations of the assessment rolls of a county and to arrange the time and place of the hearing on any such appeal.

(f) To have jurisdiction to hear any objection to an assessment by the Department of Revenue pursuant to Section 27-35-311, 27-35-517 or 27-35-703 and to arrange the time and place of the hearing on any such objection.

(g) To perform all other duties which are now or may hereafter be imposed upon the board by law.

(h) To obtain, review, receive into evidence and/or otherwise examine and consider applications, returns, reports and any particulars set forth or disclosed in any application report or return required on any taxes collected by reports received by the Department of Revenue and any other documents and information received, generated and/or maintained by the Department of Revenue. The authority of the board under this paragraph is not barred or otherwise restricted by the confidentiality of such documents and information under Sections 27-3-73, 27-7-83, 27-13-57 and/or 27-65-81, and the disclosure of such documents and information to the board shall be an exception to the prohibition on disclosure of such documents and information contained in Sections 27-3-73, 27-7-83, 27-13-57 and/or 27-65-81.

(2) Each member of the board is empowered to administer and certify oaths.

(3) Each member of the board is empowered to perform all other duties which are now or may hereafter be imposed on him by law.

SECTION 16. Section 27-71-5, Mississippi Code of 1972, is amended as follows:

27-71-5. (1) Upon each person approved for a permit under the provisions of the Alcoholic Beverage Control Law and amendments thereto, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the

business authorized by such permit, an annual privilege license tax in the amount provided in the following schedule:

(a) Except as otherwise provided in this subsection (1), manufacturer's permit, Class 1, distiller's and/or rectifier's.....$4,500.00

(b) Manufacturer's permit, Class 2, wine manufacturer.....$1,800.00

(c) Manufacturer's permit, Class 3, native wine manufacturer per ten thousand (10,000) gallons or part thereof produced.....$ 10.00

(d) Manufacturer's permit, Class 4, native spirit manufacturer per one thousand (1,000) gallons or part thereof produced.....$ 300.00

(* * *e) Native wine retailer's permit.....$ 50.00

(* * *f) Package retailer's permit, each.....$ 900.00

(* * *g) On-premises retailer's permit, except for clubs and common carriers, each.....$ 450.00

(* * *h) On-premises retailer's permit for wine of more than five percent (5%) alcohol by weight, but not more than twenty-one percent (21%) alcohol by weight, each.....$ 225.00

(* * *i) On-premises retailer's permit for clubs$ 225.00

(* * *j) On-premises retailer's permit for common carriers, per car, plane, or other vehicle.....$ 120.00

(* * *k) Solicitor's permit, regardless of any other provision of law, solicitor's permits shall be issued only in the discretion of the department.....$ 100.00

(* * *l) Filing fee for each application except for an employee identification card.....$ 25.00

(* * *m) Temporary permit, Class 1, each.....$ 10.00

(* * *n) Temporary permit, Class 2, each.....$ 50.00

(* * *o) (i) Caterer's permit.....$ 600.00

(ii) Caterer's permit for holders of on-premises retailer's permit.....$ 150.00

(* * *p) Research permit.....$ 100.00

(* * *q) Temporary permit, Class 3 (wine only).....$ 10.00

(* * *r) Special service permit.....$ 225.00

(* * *s) Merchant permit.....$ 225.00

(* * *t) Temporary alcoholic beverages charitable auction permit.....$ 10.00

(* * *u) Event venue retailer's permit.....$ 225.00

(* * *v) Temporary theatre permit, each.....$ 10.00

(* * *w) Charter ship operator's permit.....$ 100.00

(* * *x) Distillery retailer's permit.....$ 450.00

(* * *y) Festival wine permit.....$ 10.00

(z) Native spirit retailer's permit.....$ 50.00

If a person approved for a manufacturer's permit, Class 1, distiller's permit produces a product with at least fifty-one

percent (51%) of the finished product by volume being obtained from alcoholic fermentation of grapes, fruits, berries, honey and/or vegetables grown and produced in Mississippi, and produces all of the product by using not more than one (1) still having a maximum capacity of one hundred fifty (150) liters, the annual privilege license tax for such a permit shall be Ten Dollars ($10.00) per ten thousand (10,000) gallons or part thereof produced. Bulk, concentrated or fortified ingredients used for blending may be produced outside this state and used in producing such a product.

In addition to the filing fee imposed by paragraph (* * *1) of this subsection, a fee to be determined by the Department of Revenue may be charged to defray costs incurred to process applications. The additional fees shall be paid into the State Treasury to the credit of a special fund account, which is hereby created, and expenditures therefrom shall be made only to defray the costs incurred by the Department of Revenue in processing alcoholic beverage applications. Any unencumbered balance remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

All privilege taxes imposed by this section shall be paid in advance of doing business. The additional privilege tax imposed for an on-premises retailer's permit based upon purchases shall be due and payable on demand.

Paragraph (* * *y) of this subsection shall stand repealed from and after July 1, 2023.

(2) (a) There is imposed and shall be collected from each permittee, except a common carrier, solicitor or a temporary permittee, by the department, an additional license tax equal to the amounts imposed under subsection (1) of this section for the privilege of doing business within any municipality or county in which the licensee is located.

(b) (i) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(f), (g), (h), (m) and (t) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Twenty-five Dollars ($225.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(ii) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(n) and (r) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Fifty Dollars ($250.00) on purchases exceeding Five Thousand Dollars

($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(iii) Any person who has paid the additional privilege license tax imposed by this paragraph, and whose permit is renewed, may add any unused fraction of Five Thousand Dollars ($5,000.00) purchases to the first Five Thousand Dollars ($5,000.00) purchases authorized by the renewal permit, and no additional license tax will be required until purchases exceed the sum of the two (2) figures.

(c) If the licensee is located within a municipality, the department shall pay the amount of additional license tax collected under this section to the municipality, and if outside a municipality the department shall pay the additional license tax to the county in which the licensee is located. Payments by the department to the respective local government subdivisions shall be made once each month for any collections during the preceding month.

(3) When an application for any permit, other than for renewal of a permit, has been rejected by the department, such decision shall be final. Appeal may be made in the manner provided by Section 67-1-39. Another application from an applicant who has been denied a permit shall not be reconsidered within a twelve-month period.

(4) The number of permits issued by the department shall not be restricted or limited on a population basis; however, the foregoing limitation shall not be construed to preclude the right of the department to refuse to issue a permit because of the undesirability of the proposed location.

(5) If any person shall engage or continue in any business which is taxable under this section without having paid the tax as provided in this section, the person shall be liable for the full amount of the tax plus a penalty thereon equal to the amount thereof, and, in addition, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(6) It shall be unlawful for any person to consume alcoholic beverages on the premises of any hotel restaurant, restaurant, club or the interior of any public place defined in Chapter 1, Title 67, Mississippi Code of 1972, when the owner or manager thereof displays in several conspicuous places inside the establishment and at the entrances of establishment a sign containing the following language: NO ALCOHOLIC BEVERAGES ALLOWED.

SECTION 17. Section 27-71-7, Mississippi Code of 1972, is amended as follows:

27-71-7. (1) There is hereby levied and assessed an excise tax upon each case of alcoholic beverages sold by the * * *

department to be collected from each retail licensee at the time of sale in accordance with the following schedule:

(a) Distilled spirits.....$2.50 per gallon

(b) Sparkling wine and champagne.....$1.00 per gallon

(c) Other wines, including native wines.....$ .35 per gallon

(2) (a) In addition to the tax levied by subsection (1) of this section, and in addition to any other markup collected, the Alcoholic Beverage Control Division shall collect a markup of three percent (3%) on all alcoholic beverages, as defined in Section 67-1-5, Mississippi Code of 1972, which are sold by the division. The proceeds of the markup shall be collected by the division from each purchaser at the time of purchase.

(b) Until June 30, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Alcoholism Treatment and Rehabilitation Fund," a special fund which is hereby created in the State Treasury, and shall be used by the Division of Alcohol and Drug Abuse of the State Department of Mental Health and public or private centers or organizations solely for funding of treatment and rehabilitation programs for alcoholics and alcohol abusers which are sponsored by the division or public or private centers or organizations in such amounts as the Legislature may appropriate to the division for use by the division or public or private centers or organizations for such programs. Any tax

revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund. It is the intent of the Legislature that the State Department of Mental Health shall continue to seek funds from other sources and shall use the funds appropriated for the purposes of this section and Section 27-71-29 to match all federal funds which may be available for alcoholism treatment and rehabilitation.

From and after July 1, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Mental Health Programs Fund," a special fund which is hereby created in the State Treasury and shall be used by the State Department of Mental Health for the service programs of the department. Any revenue in the "Alcoholism Treatment and Rehabilitation Fund" which is not encumbered at the end of Fiscal Year 1987 shall be deposited to the credit of the "Mental Health Programs Fund."

SECTION 18. Section 27-71-21, Mississippi Code of 1972, is amended as follows:

27-71-21. Before any person shall engage in the business of manufacturing or retailing of alcoholic beverages, he may be required to enter into a bond payable to the State of Mississippi, conditioned that he will conduct said business strictly in accordance with the laws of the State of Mississippi, and that he will comply with the rules and regulations prescribed by the * * * department, and pay all taxes due the State of Mississippi. The

amount of a bond required of a manufacturer, not including a producer of native wine or native spirit, shall not exceed One Hundred Thousand Dollars ($100,000.00), and the amount required of a retailer shall be Five Thousand Dollars ($5,000.00). Provided, however, any retailer whose check for purchase of merchandise or payment of taxes shall be dishonored may be required by the * * * department to post additional bond not to exceed Five Thousand Dollars ($5,000.00). Such bond shall be made in a surety company authorized to do business in the State of Mississippi and shall be approved by the * * * department. The * * * department shall be authorized to institute suit in the proper court for any violation of the condition of said bonds. The amount of the bond required of a producer of native wine or native spirit shall be Five Thousand Dollars ($5,000.00).

As an alternative to entering into a bond as required by this section, any person who shall engage in the business of manufacturing or retailing alcoholic beverages may, subject to the same conditions of conduct required for bonds, deposit with the State Treasurer the equivalent amount of the bond required for that particular person in cash or securities. The only securities allowable for this purpose are those which may legally be purchased by a bank or for trust funds, having a market value not less than that of the required bond. The * * * department shall file notice with the Treasurer for any violation of the conditions of the cash or security deposit.

SECTION 19. Section 27-77-1, Mississippi Code of 1972, is amended as follows:

27-77-1. As used in this chapter:

(a) "Agency" means the commissioner acting directly or through his duly authorized officers, agents, representatives and employees, to perform duties and powers prescribed by the laws of this state to be performed by the Commissioner of Revenue or the Department of Revenue.

(b) "Board of Review" means the Board of Review of the Department of Revenue as appointed by the commissioner under Section 27-77-3, and also means a panel of the Board of Review when an appeal is considered by a panel of the Board of Review instead of the Board of Review en banc.

(c) "Board of Tax Appeals" means the Board of Tax Appeals as created under Section 27-4-1.

(d) "Chairman" means the Chairman of the Board of Tax Appeals.

(e) "Commissioner" means the Commissioner of the Department of Revenue.

(f) "Denial" means the final decision of the staff of the agency to deny the claim, request for waiver or application being considered. In this context, staff of the agency does not include the Board of Review or the Board of Tax Appeals. "Denial" does not mean the act of returning or refusing to consider a claim, request for waiver or application for permit, IFTA license,

IRP registration, title or tag by the staff of the agency due to a lack of information and/or documentation unless the return or refusal is in response to a representation by the person who filed the claim, request for waiver or application in issue that information and/or documentation indicated by the staff of the agency to be lacking cannot or will not be provided.

(g) "Designated representative" means an individual who represents a person in an administrative appeal before a hearing officer of the agency, before the Board of Review or before the Board of Tax Appeals.

(h) "Executive director" means the Executive Director of the Board of Tax Appeals.

(i) "IFTA license" means a permit, license or decal which the agency is authorized to issue or revoke under the Interstate Commercial Carriers Motor Fuel Tax Law (Section 27-61-1 et seq.) or the International Fuel Tax Agreement.

(j) "IFTA licensee" means a person holding the IFTA license, applying for an IFTA license or renewing an IFTA license.

(k) "IRP registration" means the registration of a vehicle under the provisions of the International Registration Plan.

(l) "IRP registrant" means a person in whose name a vehicle or vehicles are registered under the provisions of the International Registration Plan.

(m) "IRP credentials" means the cab card and license plate issued by the commissioner or agency in accordance with the International Registration Plan.

(n) "Last known address" when referring to the mailing of a notice of intent to suspend, revoke or to order the surrender and/or seizure of the permit, IFTA license, IRP registration, IRP credentials, tag or title or to the mailing of a denial of the permit, IFTA license, IRP registration, tag or title, means the last mailing address of the person being sent the notice as it appears on the record of the agency in regard to the permit, IFTA license, IRP registration, tag or title in issue. All other references to "last known address" in this chapter mean the official mailing address that the hearing officer, the Board of Review or the executive director has for the addressee in their file on the administrative appeal in which the document or item is being mailed to the addressee. The addressee is presumed to have received any document or item mailed to his official mailing address. The commissioner, by regulation, shall prescribe the procedure for establishing an official mailing address in the administrative appeal process for appeals before an administrative hearing officer or the Board of Review of the Department of Revenue and the procedure for changing that official mailing address. The Board of Tax Appeals, by regulation, shall prescribe the procedure for establishing an official mailing address in the administrative appeal process before that board and the procedure

for changing that official mailing address. It is the responsibility of the addressee to make sure that his official mailing address is correct.

(o) "Mail," "mailed" or "mailing" means placing the document or item referred to in United States mail, postage prepaid, via mail, addressed to the person to whom the document or item is to be sent at the last known address of that person. Where a person is represented in an administrative appeal before a hearing officer, the Board of Review or the Board of Tax Appeals by a designated representative, the terms "mail," "mailed" or "mailing" when referring to sending a document or item to that person shall also mean placing the document or item referred to in United States mail, via mail, postage prepaid, to the last known address of that person's designated representative. Mailing to the designated representative of a taxpayer, permittee, IFTA licensee, IRP registrant, tag holder or title interest holder shall constitute mailing and notice to the taxpayer, permittee, IFTA licensee, IRP registrant, tag holder or title interest holder.

(p) "Permit" means a type of license or permit that the agency is authorized to issue, suspend or revoke, such as a sales tax permit, a beer permit, a tobacco permit, a dealer license, or designated agent status, but does not include:

(i) Any type of permit issued under the Local Option Alcoholic Beverage Control Law, Section 67-1-1 et

seq. * * *, under the Mississippi Native Wine Law of 1976, Section 67-5-1 et seq., or under the Mississippi Native Spirit Law, Section 67-11-1 et seq.;

(ii) An IFTA license; or

(iii) An IRP registration, including the IRP credential issued as a result of IRP registration.

(q) "Permittee" means a person holding a permit, applying for a permit or renewing a permit.

(r) "Person" means a natural person, partnership, limited partnership, corporation, limited liability company, estate, trust, association, joint venture, other legal entity or other group or combination acting as a unit, and includes the plural as well as the singular in number. "Person" includes the state, county, municipal, other political subdivision and any agency, institution or instrumentality thereof, but only when used in the context of a taxpayer, permittee, IFTA licensee, IRP registrant, tag holder or title interest holder.

(s) "Refund claim" means a claim made in writing by a taxpayer and received by the agency wherein the taxpayer indicates that he overpaid taxes to the agency and requests a refund of the overpayment and/or a credit against current or future taxes for the overpayment.

(t) "Resident," when used to describe a taxpayer or petitioner, means a natural person whose residence and place of abode is within the State of Mississippi.

(u) "Tag" means a type of license tag, plate or registration card for a motor vehicle or trailer that the agency is authorized under the Mississippi Motor Vehicle Privilege Tax Law, Section 27-19-1 et seq., or under the Motor Vehicle Dealer Tag Permit Law, Section 27-19-301 et seq., to issue or approve before issuance, but does not include other types of license tags or plates issued by the county tax collectors except for personalized license tags and only to the extent that the agency determines under Section 27-19-48 that a personalized license tag applied for is considered obscene, slandering, insulting or vulgar in ordinary usage or demands the surrender or orders the seizure of the tag where issued in error.

(v) "Tag holder" means the person in whose name a tag is registered or the person applying for a tag.

(w) "Tag penalty" means the penalties imposed under Sections 27-19-63 and 27-51-43 for any delinquency in the payment of motor vehicle privilege tax and ad valorem tax on a motor vehicle which can be waived by the agency for good reason shown. Pursuant to Section 27-51-103, imposition of this ad valorem tag penalty at the maximum rate of twenty-five percent (25%) also results in ineligibility for the credit against motor vehicle ad valorem taxes provided by that statute. Waiver of the twenty-five percent (25%) delinquency penalty by the agency under Section 27-51-43 shall reinstate credit eligibility.

(x) "Tax" means a tax, fee, penalty and/or interest which the agency is required by either general law or by local and private law to administer, assess and collect.

(y) "Taxpayer" means a person who is liable for or paid any tax to the agency.

(z) "Title" means a title to a motor vehicle or manufactured housing issued by the agency under the Mississippi Motor Vehicle Title Law, Section 63-21-1 et seq.

(aa) "Title interest holder" shall mean the owner or lienholder in a motor vehicle or manufactured housing as indicated on a title issued by the agency or as indicated on an application to the agency for the issuance of a title.

SECTION 20. Section 27-77-17, Mississippi Code of 1972, is amended as follows:

27-77-17. Except as to the determination of whether a tag penalty should be waived under Section 27-51-43, the provisions of this chapter shall not apply to any action taken by the agency, commissioner or the Department of Revenue in regard to ad valorem taxes, including, but not limited to, the determination under Section 27-31-107 as to whether property is entitled to a new or expanded enterprise exemption, the duties and actions performed under the Homestead Exemption Law of 1946, being Section 27-33-1 et seq., the actions taken as the result of the examination of the recapitulation of the assessment rolls of the counties under Section 27-35-113, the actions relating to the examination of the

assessment rolls under Section 27-35-127, and the ad valorem assessment of railroads, public service corporations, nuclear generating plants, railcar companies, airline companies, motor vehicles, manufactured homes and mobile homes. The provisions of this chapter shall not apply to any action of the agency, commissioner or Department of Revenue under the Local Option Alcoholic Beverage Control Law, being Section 67-1-1 et seq., or any action under the Mississippi Native Wine Law of 1976, being Section 67-5-1 et seq., or any action under the Mississippi Native Spirit Law, being Section 67-11-1 et seq.

SECTION 21. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2626

Description: MS Business Corporation Act; amend to allow corporations to hold annual or special shareholder meetings remotely.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S)	Referred To Business and Financial Institutions
2	01/28	(S)	Title Suff Do Pass
3	02/08	(S)	Passed {Vote}
4	02/09	(S)	Transmitted To House
5	02/24	(H)	Referred To Banking and Financial Services
6	03/02	(H)	Title Suff Do Pass
7	03/09	(H)	Passed {Vote}
8	03/10	(H)	Returned For Enrolling
9	03/12	(S)	Enrolled Bill Signed
10	03/12	(H)	Enrolled Bill Signed
11	03/17		Approved by Governor

Code Section: A 079-0004-0007.01, A 079-0004-0007.02, A 079-0004-0007.05

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Banking and Financial Services

Principal Author: Caughman

Title: AN ACT TO AMEND SECTIONS 79-4-7.01, 79-4-7.02 AND 79-4-7.05, MISSISSIPPI CODE OF 1972, UNDER THE MISSISSIPPI BUSINESS CORPORATION ACT, TO ALLOW CORPORATIONS TO HOLD ANNUAL OR SPECIAL SHAREHOLDER MEETINGS REMOTELY; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2626

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Caughman — To: Business and Financial Institutions

SENATE BILL NO. 2626

AN ACT TO AMEND SECTIONS 79-4-7.01, 79-4-7.02 AND 79-4-7.05, MISSISSIPPI CODE OF 1972, UNDER THE MISSISSIPPI BUSINESS CORPORATION ACT, TO ALLOW CORPORATIONS TO HOLD ANNUAL OR SPECIAL SHAREHOLDER MEETINGS REMOTELY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 79-4-7.01, Mississippi Code of 1972, is amended as follows:

79-4-7.01. (a) Unless directors are elected by written consent in lieu of an annual meeting as permitted by Section 79-4-7.04, a corporation shall hold a meeting of shareholders annually at a time stated in or fixed in accordance with the bylaws; provided, however, that if a corporation's articles of incorporation authorize shareholders to cumulate their votes when electing directors pursuant to Section 79-4-7.28, directors may not be elected by less than unanimous written consent.

(b) Annual shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws or, unless prohibited by the corporation's bylaws, the corporation may elect to hold such meeting by electronic

transmission or other means of remote communication, or a combination thereof. If no place is stated in or fixed in accordance with the bylaws, annual meetings shall be held at the corporation's principal office by electronic transmission or other means of remote communication, or by a combination thereof.

(c) The failure to hold an annual meeting at the time stated in or fixed in accordance with a corporation's bylaws does not affect the validity of any corporate action.

(d) For purposes of this section and the other sections of this Article 7 of the Mississippi Business Corporation Act, "remote communication" means communication via electronic communication, conference telephone, videoconference, the internet, or such other means by which persons not physically present in the same location may communicate with each other on a substantially concurrent basis.

SECTION 2. Section 79-4-7.02, Mississippi Code of 1972, is amended as follows:

79-4-7.02. (a) A corporation shall hold a special meeting of shareholders:

(1) On call of its board of directors or the person or persons authorized to do so by the articles of incorporation or bylaws; or

(2) Unless the articles of incorporation provide otherwise, if shareholders having at least ten percent (10%) of all the votes entitled to be cast on an issue proposed to be

considered at the proposed special meeting sign, date and deliver to the corporation one or more written demands for the meeting describing the purpose or purposes for which it is to be held. Unless otherwise provided in the articles of incorporation, a written demand for a special meeting may be revoked by a writing to that effect received by the corporation prior to the receipt by the corporation of demands sufficient in number to require the holding of a special meeting.

(b) If not otherwise fixed under Section 79-4-7.03 or 79-4-7.07, the record date for determining shareholders entitled to demand a special meeting is the date the first shareholder signs the demand.

(c) Special shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws or, unless prohibited by the corporation's bylaws, the corporation may elect to hold such meeting by electronic transmission or other means of remote communication, or a combination thereof. If no place is stated or fixed in accordance with the bylaws, special meetings shall be held at the corporation's principal office by electronic transmission or other means of remote communication, or a combination thereof.

(d) Only business within the purpose or purposes described in the meeting notice required by Section 79-4-7.05(c) may be conducted at a special shareholders' meeting.

SECTION 3. Section 79-4-7.05, Mississippi Code of 1972, is amended as follows:

79-4-7.05. (a) A corporation shall notify shareholders of the date, time and place of, and, if applicable, the method to access by remote communication, each annual and special shareholders' meeting no fewer than ten (10) nor more than sixty (60) days before the meeting date. If the board of directors has authorized participation by means of remote communication pursuant to Section 79-4-7.09 for any class or series of shareholders, the notice of such class or series of shareholders shall describe the means of remote communication to be used. Unless Section 79-4-1.01 et seq. or the articles of incorporation require otherwise, the corporation is required to give notice only to shareholders entitled to vote at the meeting.

(b) Unless Section 79-4-1.01 et seq. or the articles of incorporation require otherwise, notice of an annual meeting need not include a description of the purpose or purposes for which the meeting is called.

(c) Notice of a special meeting must include a description of the purpose or purposes for which the meeting is called.

(d) If not otherwise fixed under Section 79-4-7.03 or 79-4-7.07, the record date for determining shareholders entitled to notice of and to vote at an annual or special shareholders' meeting is the day before the first notice is delivered to shareholders.

(e) Unless the bylaws require otherwise, if an annual or special shareholders' meeting is adjourned to a different date, time or place, or, if applicable, method to access by remote communication, notice need not be given of the new date, time, * * * place or method of remote communication if the new date, time, * * * place or method or remote communication is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or must be fixed under Section 79-4-7.07, however, notice of the adjourned meeting must be given under this section to persons who are shareholders as of the new record date.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2630

Description: County law library; authorize use of money for technological purposes.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To County Affairs
2	02/01	(S) Title Suff Do Pass Comm Sub
3	02/05	(S) Committee Substitute Adopted
4	02/05	(S) Passed {Vote}
5	02/08	(S) Transmitted To House
6	02/24	(H) Referred To County Affairs
7	02/25	(H) Title Suff Do Pass
8	03/09	(H) Passed {Vote}
9	03/10	(H) Returned For Enrolling
10	03/12	(S) Enrolled Bill Signed
11	03/12	(H) Enrolled Bill Signed
12	03/17	Approved by Governor

Code Section: A 019-0007-0031

----- Additional Information -----

Senate Committee: County Affairs
House Committee: County Affairs

Principal Author: DeBar
Additional Authors: Jackson (11th)

Title: AN ACT TO AMEND SECTION 19-7-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTY LAW LIBRARIES TO USE COLLECTED FUNDS FOR TECHNOLOGICAL PURPOSES, INCLUDING, BUT NOT LIMITED TO, ONLINE SUBSCRIPTION SERVICES AND ELECTRONIC RECORDS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2630

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) DeBar, Jackson (11th) To: County Affairs

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2630

AN ACT TO AMEND SECTION 19-7-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTY LAW LIBRARIES TO USE COLLECTED FUNDS FOR TECHNOLOGICAL PURPOSES, INCLUDING, BUT NOT LIMITED TO, ONLINE SUBSCRIPTION SERVICES AND ELECTRONIC RECORDS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-7-31, Mississippi Code of 1972, is amended as follows:

19-7-31. (1) (a) The board of supervisors of each county in the state shall have power, by an appropriate order or orders on its minutes, to establish and maintain in the county courthouse or other suitable public building adjacent or near thereto, a public county law library under such rules, regulations and supervision as it may from time to time ordain and establish, and to that end, the board may accept gifts, grants, donations or bequests of money, furniture, fixtures, books, documents, maps, plats or other property suitable for that purpose.

(b) The board of supervisors shall have power to exchange or sell duplicate volumes or sets of any such books or

furniture, and in case of sale, to invest the proceeds in other suitable books or furniture. The board may also purchase or lease from time to time additional books, furniture, or equipment for the public law library.

(c) The board of supervisors may also maintain the books prescribed under this section in an electronic format.

(2) For the purpose of providing suitable quarters for the public law library, the board of supervisors may, in its discretion, expend such sums as may be deemed necessary or proper for that purpose, and may also employ a suitable person as librarian and pay the law librarian such salary as the board, in its discretion, may determine. The board may employ additional librarians or other employees on either a part-time or full-time basis and may pay these additional employees as the board, in its discretion, may determine. The board of supervisors, in their discretion, may contract with the county or municipal library for any staff or facilities as they deem necessary for the overall management and operation of the county law library. The board of supervisors may contract with the State Law Library for law library services that may be offered by the State Law Library.

(3) If the public law library is established, all books, documents, furniture and other property then belonging to the county library, as provided for in Section 19-7-25, shall be transferred to and become part of the public law library, and all books, documents and publications donated by the state to the

county library shall also become a part of the public law library. In that case, Sections 19-7-25 and 19-25-65, relating to the county library, shall be superseded in that county for as long as the public law library is maintained in the county.

(4) The board of supervisors of any county that establishes a public law library, in its discretion, may levy, by way of resolution, additional court costs not exceeding Two Dollars and Fifty Cents ($2.50) per case for each case, both civil and criminal, filed in the chancery, circuit and county courts or any of these in the county, and may levy, by way of resolution, additional court costs not exceeding One Dollar and Fifty Cents ($1.50) per case for each case, both civil and criminal, filed in the justice courts of the county, for the support of the library authorized in the county. If the additional court costs authorized in this section are levied, the clerk or judge of those courts shall collect those costs for all cases filed in his court and forward same to the chancery clerk, who shall deposit the same in a special account in a county depository for support and maintenance of the library, and the chancery clerk shall be accountable for those funds. However, no such levy shall be made against any cause of action the purpose of which is to commit any person with mental illness, or alcoholic or narcotic addiction to any institution for custodial or medical care, and no such tax shall be collected under this subsection on any cause of action that the proper clerk handling same deems to be in its very nature

charitable and in which cause the clerk has not collected his own legal fees.

(5) To accomplish the purposes of this section, the board of supervisors may enter into such arrangement or arrangements with the county bar association of any such county as may seem advisable for the care and operation of the law library, and the board may receive and consider, from time to time, such recommendations as the bar association may deem appropriate regarding the library.

(6) The board of supervisors of each county in which there are two (2) judicial districts, in its discretion, may maintain a law library in each judicial district. In those counties the board, in its discretion, may pay from the county general fund or from the special fund authorized in this section all the costs authorized in this section, provided that the board shall not spend in each judicial district less than the amount of the special court costs authorized in this section and collected in each such district.

(7) The governing authorities of any municipality, in their discretion, by resolution duly adopted and entered on their official minutes, may levy additional court costs not exceeding One Dollar and Fifty Cents ($1.50) per case for each conviction in the municipal court of the municipality, for the support and maintenance of the county law library in the county within which the municipality is located. The additional costs shall be

collected by the clerk of the court, forwarded to the chancery clerk of the county for deposit in a special account in the county depository, and expended for support and maintenance of the county law library in the same manner and in accordance with the same procedure as provided for costs similarly collected in the chancery, circuit, county and justice courts of the county.

(8) Funds collected under this section may also be used for electronic and technological purposes related to the law library, including, but not limited to, computers, hardware, software, internet, online subscription services, legal research tools and electronic records.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2643

Description: Service of tax sale notices; revise to allow service by a constable.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To County Affairs
2	02/01	(S) Title Suff Do Pass
3	02/09	(S) Amended
4	02/09	(S) Passed As Amended {Vote}
5	02/11	(S) Transmitted To House
6	02/24	(H) Referred To County Affairs
7	02/25	(H) Title Suff Do Pass
8	03/09	(H) Passed {Vote}
9	03/10	(H) Returned For Enrolling
10	03/12	(S) Enrolled Bill Signed
11	03/12	(H) Enrolled Bill Signed
12	03/17	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 027-0043-0003, BF 027-0045-0005

----- Additional Information -----

Senate Committee: County Affairs
House Committee: County Affairs

Principal Author: Hill

Title: AN ACT TO AMEND SECTION 27-43-3, MISSISSIPPI CODE OF 1972, TO REVISE THE SERVICE OF NOTICE OF A TAX SALE TO INCLUDE SERVICE BY A CONSTABLE; TO BRING FORWARD SECTION 27-45-5, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Hill To: County Affairs

SENATE BILL NO. 2643
(As Passed the Senate)

AN ACT TO AMEND SECTION 27-43-3, MISSISSIPPI CODE OF 1972, TO REVISE THE SERVICE OF NOTICE OF A TAX SALE TO INCLUDE SERVICE BY A CONSTABLE; TO BRING FORWARD SECTION 27-45-5, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-43-3, Mississippi Code of 1972, is amended as follows:

27-43-3. The clerk shall issue the notice to the sheriff or a constable of the county of the reputed owner's residence, with prior approval by the board of supervisors with the acknowledgement that the board will cover any incurred costs of any initial system updates required to facilitate this action if * * * the owner is a resident of the State of Mississippi, and the sheriff or constable shall also be required to serve notice as follows:

(a) Upon the reputed owner personally, if he can be found in the county after diligent search and inquiry, by handing him a true copy of the notice;

(b) If the reputed owner cannot be found in the county after diligent search and inquiry, then by leaving a true copy of the notice at his usual place of abode with the spouse of the reputed owner or some other person who lives at his usual place of abode above the age of sixteen (16) years, and willing to receive the copy of the notice; or

(c) If the reputed owner cannot be found after diligent search and inquiry, and if no person above the age of sixteen (16) years who lives at his usual place of abode can be found at his usual place of abode who is willing to receive the copy of the notice, then by posting a true copy of the notice on a door of the reputed owner's usual place of abode.

The sheriff or constable shall make his return to the chancery clerk issuing the notice. The clerk shall also mail a copy of the notice to the reputed owner at his usual street address, if it can be ascertained after diligent search and inquiry, or to his post-office address if only that can be ascertained, and he shall note such action on the tax sales record. The clerk shall also be required to publish the name and address of the reputed owner of the property and the legal description of the property in a public newspaper of the county in which the land is located, or if no newspaper is published as such, then in a newspaper having a general circulation in the county. The publication shall be made at least forty-five (45) days prior to the expiration of the redemption period.

If the reputed owner is a nonresident of the State of Mississippi, then the clerk shall mail a copy of the notice to the reputed owner in the same manner as set out in this section for notice to a resident of the State of Mississippi, except that notice served by the sheriff or constable shall not be required.

Notice by mail shall be by registered or certified mail. In the event the notice by mail is returned undelivered and the notice as required in this section to be served by the sheriff or constable is returned not found, then the clerk shall make further search and inquiry to ascertain the reputed owner's street and post-office address. If the reputed owner's street or post-office address is ascertained after the additional search and inquiry, the clerk shall again issue notice as set out in this section. If notice is again issued and it is again returned not found and if notice by mail is again returned undelivered, then the clerk shall file an affidavit to that effect and shall specify in the affidavit the acts of search and inquiry made by him in an effort to ascertain the reputed owner's street and post-office address and the affidavit shall be retained as a permanent record in the office of the clerk and that action shall be noted on the tax sales record. If the clerk is still unable to ascertain the reputed owner's street or post-office address after making search and inquiry for the second time, then it shall not be necessary to issue any additional notice but the clerk shall file an affidavit specifying the acts of search and inquiry made by him in an effort

to ascertain the reputed owner's street and post-office address and the affidavit shall be retained as a permanent record in the office of the clerk and that action shall be noted on the tax sale record.

For examining the records to ascertain the record owner of the property, the clerk shall be allowed a fee of Fifty Dollars ($50.00); for issuing the notice the clerk shall be allowed a fee of Two Dollars ($2.00) and, for mailing the notice and noting that action on the tax sales record, a fee of One Dollar ($1.00); and for serving the notice, the sheriff or constable shall be allowed a fee of * * * Forty-five Dollars ($45.00). For issuing a second notice, the clerk shall be allowed a fee of Five Dollars ($5.00) and, for mailing the notice and noting that action on the tax sales record, a fee of Two Dollars and Fifty Cents ($2.50), and for serving the second notice, the sheriff or constable shall be allowed a fee of * * * Forty-five Dollars ($45.00). The clerk shall also be allowed the actual cost of publication. The fees and cost shall be taxed against the owner of the land if the land is redeemed, and if not redeemed, then the fees are to be taxed as part of the cost against the purchaser. The failure of the landowner to actually receive the notice herein required shall not render the title void, provided the clerk and sheriff or constable have complied with the duties prescribed for them in this section.

Should the clerk inadvertently fail to send notice as prescribed in this section, then the sale shall be void and the

clerk shall not be liable to the purchaser or owner upon refund of all purchase money paid.

SECTION 2. Section 27-45-5, Mississippi Code of 1972, is brought forward as follows:

27-45-5. It shall be the duty of the chancery clerk of each county in the state to immediately deposit in the county depository of his county all sums of money paid to him by any person for the redemption of land sold for taxes in his county; all such funds are hereby declared to be public funds, and shall be secured by the county depository, as other public funds are required to be secured by law. The board of supervisors of each county shall provide the clerk with printed checks in the form of vouchers, with proper blanks, bound in book form with a sufficient blank margin to be used in drawing redemption funds out of the county depository; all such checks shall be numbered in numerical order, and it shall be the duty of the clerk to draw on such funds upon such checks as herein provided in payment of all amounts due the officers and purchasers out of said funds. He shall first pay the officers entitled to their costs, fees, and damages which are allowed to said officers by law; and he shall then pay to the purchasers at any such tax sale, the full amount due him as provided by law. It shall be the duty of the state auditor of public accounts to audit such account of each clerk, as other public funds are audited; and he shall include in said audit a special report to the board of supervisors of his county setting

out in detail the amounts collected, and the disposition of such funds, and the balance on hand, and attest to the correctness thereof.

If such clerk shall neglect, refuse or fail to deposit such funds received by him as herein provided, he shall be guilty of misfeasance in office, and in addition thereto shall be liable on his official bond to any person injured by his failure to deposit such funds in the county depository as herein provided.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2648

Description: MS Geologic Sequestration of Carbon Dioxide Act; Oil and Gas Board shall have jurisdiction to enforce provisions of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Energy; Accountability, Efficiency, Transparency
2	01/28	(S) DR - TSDP: EN To AC
3	02/02	(S) Title Suff Do Pass
4	02/10	(S) Passed {Vote}
5	02/11	(S) Transmitted To House
6	02/24	(H) Referred To Energy
7	03/02	(H) Title Suff Do Pass
8	03/09	(H) Passed {Vote}
9	03/10	(H) Returned For Enrolling
10	03/12	(S) Enrolled Bill Signed
11	03/12	(H) Enrolled Bill Signed
12	03/17	Approved by Governor

Code Section: A 053-0011-0003, A 053-0011-0005, A 053-0011-0007, A 053-0011-0023

----- Additional Information -----

Senate Committee: Energy, Accountability, Efficiency, Transparency
House Committee: Energy

Principal Author: Carter

Title: AN ACT TO AMEND SECTION 53-11-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE OIL AND GAS BOARD, INSTEAD OF THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY, SHALL HAVE JURISDICTION AND AUTHORITY TO ENFORCE THE PROVISIONS OF THE MISSISSIPPI GEOLOGIC SEQUESTRATION OF CARBON DIOXIDE ACT; TO PROVIDE THAT THE BOARD SHALL SERVE AS THE PERMITTING AGENCY FOR CLASS VI UNDERGROUND INJECTION CONTROL WELLS AND IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS AS ARE

NECESSARY FOR THE DEVELOPMENT AND ADMINISTRATION OF THE CLASS VI UNDERGROUND INJECTION CONTROL WELL PROGRAM; TO AMEND SECTIONS 53-11-5, 53-11-7 AND 53-11-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Carter

To: Energy; Accountability, Efficiency, Transparency

SENATE BILL NO. 2648

AN ACT TO AMEND SECTION 53-11-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE OIL AND GAS BOARD, INSTEAD OF THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY, SHALL HAVE JURISDICTION AND AUTHORITY TO ENFORCE THE PROVISIONS OF THE MISSISSIPPI GEOLOGIC SEQUESTRATION OF CARBON DIOXIDE ACT; TO PROVIDE THAT THE BOARD SHALL SERVE AS THE PERMITTING AGENCY FOR CLASS VI UNDERGROUND INJECTION CONTROL WELLS AND IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY FOR THE DEVELOPMENT AND ADMINISTRATION OF THE CLASS VI UNDERGROUND INJECTION CONTROL WELL PROGRAM; TO AMEND SECTIONS 53-11-5, 53-11-7 AND 53-11-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 53-11-3, Mississippi Code of 1972, is amended as follows:

53-11-3. (1) It is declared to be in the public interest for a public purpose and the policy of Mississippi that:

(a) The geologic sequestration of carbon dioxide will benefit the citizens of the state and the state's environment.

(b) Carbon dioxide is a valuable commodity to the citizens of the state.

(c) Geologic sequestration of carbon dioxide may allow for orderly withdrawal as appropriate or necessary, thereby

allowing carbon dioxide to be available for commercial, industrial, or other uses, including the use of carbon dioxide for enhanced recovery of oil and gas.

(d) The state has substantial and valuable oil and gas reserves not producible by traditional recovery techniques, but which may be producible by enhanced recovery methods.

(e) The enhanced recovery of oil and gas by the injection of carbon dioxide into oil and gas reservoirs is a proven enhanced recovery method which results in additional production of oil and gas in the State of Mississippi and the sequestration of carbon dioxide.

(f) It is for the public benefit and in the public interest that the maximum amount of the state's oil and gas reserves be produced to the extent that it is economically and technologically feasible.

(g) It is for the public benefit and in the public interest that, to the extent that it is economically and technologically feasible, carbon dioxide be injected into and stored in oil and gas reservoirs and other geologic formations in a manner protective of waters of the state as defined in Section 49-17-5(f).

(h) Providing at the election of the operator for a current or former enhanced oil or gas recovery project to qualify as a geologic sequestration project for the incidental storage of carbon dioxide will encourage enhanced oil or gas recovery

projects and geologic sequestration projects and will be beneficial to the citizens of this state and will serve the public interest.

(i) Geologic sequestration of carbon dioxide is an emerging industry that has the potential to provide jobs, investment, and other economic opportunities for the people of Mississippi, and is a valuable incentive for Mississippi to attract new industry.

(j) It is the public policy of Mississippi and the purpose of this chapter to provide for a coordinated statewide program related to the geologic sequestration of carbon dioxide in reservoirs defined in this chapter and to also fulfill the state's primary responsibility for assuring compliance with the federal Safe Drinking Water Act, including any amendments thereto related to the underground injection of carbon dioxide for geologic sequestration.

(2) The * * * board shall have jurisdiction and authority over all persons and property necessary to enforce effectively the provisions of this chapter relating to the geologic sequestration of carbon dioxide streams and subsequent withdrawal of stored carbon dioxide streams. The * * * board, * * * on behalf of the State of Mississippi, shall seek primacy from the U.S. Environmental Protection Agency for Class VI underground injection control wells. The * * * board shall enforce the law pursuant to Section 49-17-1 et seq. * * * and shall serve as the permitting

agency for Class VI underground injection control wells * * *; and * * * is authorized to promulgate such rules and regulations as are necessary for the development and administration of the Class VI underground injection control well program consistent with federal statutes, rules and regulations pertaining to geologic sequestration of carbon dioxide streams and assessment of fees for the development and administration of the Class VI underground injection control well program. Underground formations or strata used for the geologic sequestration of carbon dioxide that are not included in the term "reservoir" as defined in this chapter shall also be subject to the jurisdiction of the * * * board. * * * The board has primacy for Class II underground injection control wells and * * * will have jurisdiction and authority over Class II underground injection control wells converted to Class VI underground injection control wells and Class VI underground injection control wells within reservoirs as defined in this chapter. All rules, regulations and standards promulgated by * * * the board shall be consistent with the requirements of federal statutes, rules and regulations related to Class VI underground injection control wells.

SECTION 2. Section 53-11-5, Mississippi Code of 1972, is amended as follows:

53-11-5. As used in this chapter, the following terms shall have the meanings ascribed unless the context clearly indicates otherwise:

(a) "Board" means the State Oil and Gas Board created by Section 53-1-5.

(b) "Carbon dioxide" means: (i) naturally occurring carbon dioxide; (ii) geologically sourced carbon dioxide; (iii) anthropogenic carbon dioxide; or (iv) carbon dioxide stream. The term includes phases of carbon dioxide, whether fluid, liquid or gaseous, stripped, segregated, or divided from any other fluid stream thereof.

(c) "Carbon dioxide stream" means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process. This paragraph (c) does not apply to any carbon dioxide stream that meets the definition of hazardous waste under federal environmental laws and regulations.

(d) "Class VI underground injection control wells" means wells that are not experimental in nature, that are used for geologic sequestration of a carbon dioxide stream, either alone or in combination with injection of carbon dioxide in other forms, and which inject beneath the lowermost formation containing an underground source of drinking water.

* * *

(* * *e) "Department" means the Mississippi Department of Environmental Quality created by Section 49-2-4.

(* * *f) "Enhanced oil or gas recovery project" means secondary recovery, pressure maintenance, repressuring operations, cycling operations, water-flooding operations, injection of carbon dioxide or other gaseous substances or any combination thereof, or any other form of effort calculated to increase the ultimate recovery of oil or gas or both from a reservoir.

(* * *g) "Gas" has the same meaning as provided in Section 53-1-3(d).

(* * *h) "Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. For purposes of this chapter, "storage" and "sequestration" have the same meaning. This term does not apply to carbon dioxide capture or transport.

(* * *i) "Geologic sequestration facility" means a facility that receives and contains or sequesters carbon dioxide, or has done so, including:

(i) The reservoir into which carbon dioxide is injected;

(ii) Sequestration wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in geologic sequestration, owned by or under the control of the storage operator; and

(iii) Other property identified by the board * * * as part of the facility.

The reservoir component of the geologic sequestration facility includes any necessary and reasonable buffer and subsurface monitoring zones designated by the board for the purpose of ensuring the safe and efficient operation of the geologic sequestration facility for the containment or sequestration of carbon dioxide and shall be chosen to protect against escape or migration of carbon dioxide. Nothing in this definition shall prevent orderly withdrawal of the contained carbon dioxide as appropriate or necessary to allow carbon dioxide to be available for enhanced oil or gas recovery projects or other authorized commercial, and industrial uses.

(* * *j) "Oil" has the same meaning as provided in Section 53-1-3(c).

(* * *k) "Oil and gas reservoir" shall mean a pool or field as defined in Section 53-1-3(e) and (f).

(* * *l) "Owner," except when used in the phrases "working owner" or "royalty owner," shall have its ordinary, accepted meaning.

* * *

(* * *m) "Person" means any natural person, corporation, association, partnership, limited liability company, or other entity, receiver, executor, administrator, fiduciary or representative of any kind.

(* * *n) "Reservoir" means oil and gas reservoirs and formations above and below oil and gas reservoirs suitable for or

capable of being made suitable for the injection and storage of carbon dioxide therein, but only those formations for which the boundaries have been or can be delineated as provided in this chapter.

(* * *o) "Royalty owner" means any person who possesses an interest in production of oil, gas or other commercial minerals, but who is not a "working owner" as defined in this section.

(* * *p) "Safe Drinking Water Act" means the Safe Drinking Water Act, as amended, Title 42, Chapter 6A, Subchapter XII (42 USCS Section 300(f) et seq.).

(* * *q) "Sequestration" means geologic sequestration as used in this chapter and may include the incidental storage of carbon dioxide associated with enhanced oil recovery or gas recovery project operations.

(* * *r) "State" means the State of Mississippi.

(* * *s) "Storage operator" means the person authorized by the board to operate a geologic sequestration facility.

(* * *t) "Underground source of drinking water" means an aquifer or portion of an aquifer that supplies any public water system or that contains a sufficient quantity of ground water to supply a public water system, and currently supplies drinking water for human consumption, or that contains fewer than ten

thousand (10,000) milligrams per liter total dissolved solids and is not an exempted aquifer.

(* * *u) "Working owner" means the person who has the right to drill into and produce from any pool of oil, gas or other commercial minerals, and to appropriate the production either for himself or for himself and another or others.

SECTION 3. Section 53-11-7, Mississippi Code of 1972, is amended as follows:

53-11-7. (1) The board shall have authority to regulate and promulgate rules and regulations governing geologic sequestration of carbon dioxide and underground injection wells under this chapter within reservoirs. Rules and regulations governing injection wells for geologic sequestration not regulated under the board's authority for Class II wells shall be * * * developed in consultation with the department.

(2) The board shall have authority to:

(a) Approve geologic sequestration of carbon dioxide and the operation of a geologic sequestration facility within a reservoir as defined in this chapter.

(b) Regulate the development and operation of geologic sequestration facilities and pipelines within geologic sequestration facilities, provided those pipelines serving such facilities approved hereunder are not otherwise covered under applicable law.

(c) Perform any and all acts necessary to carry out the purposes and requirements of the federal Safe Drinking Water Act, as amended, with respect to the sequestration of carbon dioxide within reservoirs.

(d) Approve conversion of an existing enhanced oil or gas recovery operation into a geologic sequestration facility and continuing of the authority and prior approvals of the board regarding unit operations.

(e) Approve use of carbon dioxide for enhanced oil or gas recovery and for simultaneous geologic sequestration within a reservoir.

(f) Establish requirements for reasonable performance bonds, deposits, or other assurances of performance consistent with federal statutes, rules and regulations connected with Class VI underground injection control wells to be posted as a condition to or requirement for approving an application by the storage operator, and requirements for the sufficiency and character of the surety and guarantors of performance bonds, deposits, or other assurances of performance and reasonable conditions under which the bonds or deposits shall be released.

(g) Make, after notice and hearings as provided in Sections 53-1-19 through 53-1-37, any reasonable rules, regulations and orders that are necessary from time to time in the proper administration and enforcement of this chapter. To that end, the board is authorized and empowered to adopt, modify,

repeal and enforce procedural, interpretive and administrative rules in accordance with the provisions of this chapter.

(3) Only a storage operator shall be held or deemed responsible for the performance of any actions required by the board under this chapter.

(4) The board shall issue such orders, rules and regulations as may be necessary for the purpose of protecting any reservoir, strata, or formation against the escape of carbon dioxide therefrom, including any necessary rules and regulations as may pertain to the drilling into or through a geologic sequestration reservoir within the board's jurisdiction.

SECTION 4. Section 53-11-23, Mississippi Code of 1972, is amended as follows:

53-11-23. (1) (a) The board is authorized to adopt regulations within its jurisdiction to assess sequestration fees that shall be subject to the approval of the Legislature.

(b) Any monies collected shall be used exclusively: (i) to pay the expenses and other costs connected with administration and enforcement of this chapter and the rules, regulations and orders of the board pursuant to this chapter; and (ii) to fund the Carbon Dioxide Storage Fund established in this chapter.

(c) Any per-ton fee shall first be applied to the administration and enforcement costs of the board's activities required or authorized by this chapter, and any amount exceeding

those costs shall be transferred to a separate special fund of the State Oil and Gas Board which is hereby created and is to be known as the Carbon Dioxide Storage Fund.

(d) Transfers to the Carbon Dioxide Storage Fund from the per-ton fees shall be made monthly. Transfers from excess funds collected under subsection (1)(c) of this section may be made at any time in the fiscal year that the board shall determine appropriate. At the beginning of the following fiscal year after the transfer of the excess funds, the rate or rates to be collected under subsection (1)(c) of this section shall be reduced to reflect the excess from the prior year.

(e) When the balance in the Carbon Dioxide Storage Fund reaches or exceeds Two Million Five Hundred Thousand Dollars ($2,500,000.00) per geologic sequestration facility, the board shall abate the per-ton fee, and may adjust the annual regulatory fee as prescribed herein. The abatement shall be effective at the beginning of the ensuing fiscal year. When the Carbon Dioxide Storage Fund is reduced below Two Million Five Hundred Thousand Dollars ($2,500,000.00) per geologic sequestration facility, the per-ton fee shall again be imposed on all geologic storage operators until such time as the fund shall reach or exceed Two Million Five Hundred Thousand Dollars ($2,500,000.00) per geologic sequestration facility. The imposition of the per-ton fee shall be effective at the beginning of the ensuing fiscal year.

(f) Monies in the Carbon Dioxide Storage Fund created in this chapter may be used in the board's discretion but only if inadequate funds are available from responsible parties including the financial assurance funds provided in Section 53-11-27(2). Monies in the Carbon Dioxide Storage Fund shall only be used for oversight of geologic storage facilities after cessation of injection at the facility and release of the facility's performance bond or other assurance of performance and as shall be necessary or appropriate to satisfy the requirements of the federal Safe Drinking Water Act, including, without limitation, matters with respect to closed facilities such as: (i) inspecting, testing and monitoring of the facility, including remaining surface facilities and wells; (ii) repairing mechanical problems associated with remaining wells and surface infrastructure; and (iii) repairing mechanical leaks at the facility.

(g) The Carbon Dioxide Storage Fund shall be used for the purposes set forth in this chapter and for no other governmental purposes, nor shall any portion of the fund ever be available to borrow from by any branch of government, it being the intent of the Legislature that this fund and its increments shall remain intact and inviolate. Any interest earned on monies in this fund shall remain in this fund and shall not lapse into the General Fund.

(2) To facilitate the proper administration of the Class VI underground injection control program within its jurisdiction, the * * * board is authorized to assess and collect fees from Class VI permit applicants for Class VI underground injection control wells * * *. The * * * board is further authorized to promulgate rules and regulations for the assessment and collection of permit fees for Class VI underground injection control wells within its jurisdiction.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2651

Description: Surplus property; clarify current policy to conform with federal regulations for the Department of Finance and Administration.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Public Property
2	01/26	(S) Title Suff Do Pass
3	02/09	(S) Passed {Vote}
4	02/10	(S) Transmitted To House
5	02/24	(H) Referred To Public Property
6	03/02	(H) Title Suff Do Pass
7	03/09	(H) Passed {Vote}
8	03/10	(H) Returned For Enrolling
9	03/11	(S) Enrolled Bill Signed
10	03/11	(H) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 031-0009-0013

----- Additional Information -----

Senate Committee: Public Property
House Committee: Public Property

Principal Author: Turner-Ford

Title: AN ACT TO AMEND SECTION 31-9-13, MISSISSIPPI CODE OF 1972, TO CLARIFY CURRENT POLICY FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION'S OFFICE OF SURPLUS PROPERTY'S PLAN OF OPERATION TO ALLOW CONTINUED STATE PARTICIPATION IN THE FEDERAL DONATION PROGRAM PER FEDERAL REGULATIONS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2651

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Public Property

SENATE BILL NO. 2651

AN ACT TO AMEND SECTION 31-9-13, MISSISSIPPI CODE OF 1972, TO CLARIFY CURRENT POLICY FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION'S OFFICE OF SURPLUS PROPERTY'S PLAN OF OPERATION TO ALLOW CONTINUED STATE PARTICIPATION IN THE FEDERAL DONATION PROGRAM PER FEDERAL REGULATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-9-13, Mississippi Code of 1972, is amended as follows:

31-9-13. In lieu of regular appropriations, the Department of Finance and Administration may assess against each institution, agency or individual acquiring surplus property from and through the Department of Finance and Administration a fee or commission on each item in sufficient amount to establish and maintain a revolving fund, to be used to operate and support the Department of Finance and Administration, Office of Surplus Property's Federal Donation program. The Department of Finance and Administration shall follow the procedure outlined by the United States * * * General Services Administration in establishing the fund, and the fund shall never exceed more than One Million

Dollars ($1,000,000.00) above and beyond four (4) months of operating expenses of the Department of Finance and Administration.

With this revolving fund so acquired, the Department of Finance and Administration shall meet all items of expense incurred in acquiring, transporting, warehousing and distributing property to eligible applicants and also all items of expense incident to the operation of the offices of the Department of Finance and Administration, including salaries, office supplies and necessary general expenses, and all other items as are covered by legislative appropriation for those purposes.

The Department of Finance and Administration may escalate, budget and expend funds from the revolving fund in an amount not to exceed Two Hundred Fifty Thousand Dollars ($250,000.00) in any one fiscal year to carry out the provisions of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2746

Description: Hudson's Law; require healthcare providers to provide information to parents who receive a postnatal diagnosis of a chromosomal disorder.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Public Health and Welfare
2	02/02	(S)	Title Suff Do Pass
3	02/11	(S)	Passed {Vote}
4	02/12	(S)	Transmitted To House
5	02/22	(H)	Referred To Public Health and Human Services
6	02/25	(H)	Title Suff Do Pass
7	03/08	(H)	Amended
8	03/08	(H)	Passed As Amended {Vote}
9	03/09	(H)	Motion to Reconsider Entered (Mims, McGee)
10	03/10	(H)	Reconsidered
11	03/10	(H)	Amended
12	03/10	(H)	Passed As Amended {Vote}
13	03/11	(H)	Returned For Concurrence
14	03/17	(S)	Concurred in Amend From House {Vote}
15	03/17	(S)	Immediate Release
16	03/18	(S)	Enrolled Bill Signed
17	03/18	(H)	Enrolled Bill Signed
18	03/18		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted***
Amendment Report for Senate Bill No. 2746

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: England

Additional Authors: Jordan, Tate, Simmons (13th), Jackson (32nd), Seymour, McCaughn, Williams, Jackson (11th), Younger, Boyd, Sparks, Parker, Caughman, McLendon, Thompson, Suber, Frazier, Thomas, Branning, Carter

Title: AN ACT TO CREATE HUDSON'S LAW, TO REQUIRE HEALTH CARE PROVIDERS TO PROVIDE EDUCATIONAL INFORMATION TO NEW OR EXPECTANT PARENTS WHO RECEIVE A POSITIVE TEST FOR CHROMOSOMAL DISORDER REGARDING THEIR CHILD; TO REQUIRE THE DEPARTMENT OF HEALTH TO MAKE INFORMATION AVAILABLE REGARDING CHROMOSOMAL DISORDER; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2746

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2021

By: Senator(s) England, Jordan, Tate, Simmons (13th), Jackson (32nd), Seymour, McCaughn, Williams, Jackson (11th), Younger, Boyd, Sparks, Parker, Caughman, McLendon, Thompson, Suber, Frazier, Thomas, Branning, Carter

To: Public Health and Welfare

SENATE BILL NO. 2746
(As Sent to Governor)

AN ACT TO CREATE HUDSON'S LAW, TO REQUIRE HEALTH CARE PROVIDERS TO PROVIDE EDUCATIONAL INFORMATION TO NEW OR EXPECTANT PARENTS WHO RECEIVE A POSITIVE TEST FOR CHROMOSOMAL DISORDER REGARDING THEIR CHILD; TO REQUIRE THE DEPARTMENT OF HEALTH TO MAKE INFORMATION AVAILABLE REGARDING CHROMOSOMAL DISORDER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as "Hudson's Law."

SECTION 2. The Legislature finds the following:

(a) For purposes of this section, the term ""chromosomal disorder" means trisomy 13 (otherwise known as Patau syndrome); trisomy 18 (otherwise known as Edwards syndrome); or trisomy 21 (otherwise known as Down syndrome)."

(b) Any facility, physician, health care provider, nurse midwife or genetic counselor who renders prenatal care, postnatal care or genetic counseling, upon receipt of a positive test result from a test for a chromosomal disorder, shall provide the expectant or new parent with information provided by the department under paragraph (c) of this section.

(c) The Department of Health shall make available to any person who renders prenatal care, postnatal care or genetic counseling of parents who receive a prenatal or postnatal diagnosis of a chromosomal disorder the following:

(i) Up-to-date, evidence-based written information about a chromosomal disorder that has been reviewed by medical experts and national advocacy organizations for people with intellectual and other developmental disorders. The written information provided shall include physical, developmental, educational and psychosocial outcomes, life expectancy, clinical course, and intellectual and functional development and treatment options; and

(ii) The contact information regarding first-call programs and support services, including hotline specific to a chromosomal disorder, resource centers or clearinghouses, national and local organizations, and other education and support programs. The department may also make such available to any other person who has received a positive test for a chromosomal disorder.

(d) Information provided under this section shall be culturally and linguistically appropriate for women receiving a positive prenatal diagnosis or for the family of a child receiving a postnatal diagnosis of a chromosomal disorder.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2750

Description: Pharmacy practice; revise definition of "written guideline or protocol" regarding location of delegated prescribing functions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Public Health and Welfare
2	02/02	(S)	Title Suff Do Pass Comm Sub
3	02/11	(S)	Committee Substitute Adopted
4	02/11	(S)	Passed {Vote}
5	02/12	(S)	Transmitted To House
6	02/23	(H)	Referred To Public Health and Human Services
7	02/25	(H)	Title Suff Do Pass As Amended
8	03/08	(H)	Amended
9	03/08	(H)	Passed As Amended {Vote}
10	03/09	(H)	Returned For Concurrence
11	03/18	(S)	Concurred in Amend From House {Vote}
12	03/22	(S)	Enrolled Bill Signed
13	03/22	(H)	Enrolled Bill Signed
14	03/29		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2750

Code Section: A 073-0021-0073

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 73-21-73, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "WRITTEN GUIDELINE OR PROTOCOL" IN THE

PHARMACY PRACTICE ACT TO PROVIDE THAT A PHARMACIST TO WHOM A PRACTITIONER WHO HAS DELEGATED THE AUTHORITY TO CONDUCT SPECIFIC PRESCRIBING FUNCTIONS MUST HAVE A SPECIFIC PROTOCOL AGREEMENT BETWEEN THE PRACTITIONER AND THE PHARMACIST THAT IS SIGNED AND FILED; TO DELETE THE REQUIREMENT TO HAVE A PROTOCOL AGREEMENT ON EACH PATIENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Harkins To: Public Health and Welfare

SENATE BILL NO. 2750
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-21-73, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "WRITTEN GUIDELINE OR PROTOCOL" IN THE PHARMACY PRACTICE ACT TO PROVIDE THAT A PHARMACIST TO WHOM A PRACTITIONER WHO HAS DELEGATED THE AUTHORITY TO CONDUCT SPECIFIC PRESCRIBING FUNCTIONS MUST HAVE A SPECIFIC PROTOCOL AGREEMENT BETWEEN THE PRACTITIONER AND THE PHARMACIST THAT IS SIGNED AND FILED; TO DELETE THE REQUIREMENT TO HAVE A PROTOCOL AGREEMENT ON EACH PATIENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-21-73, Mississippi Code of 1972, is amended as follows:

73-21-73. As used in this chapter, unless the context requires otherwise:

(a) "Administer" means the direct application of a prescription drug pursuant to a lawful order of a practitioner to the body of a patient by injection, inhalation, ingestion or any other means.

(b) "Biological product" means the same as that term is defined in 42 USC Section 262.

(c) "Board of Pharmacy," "Pharmacy Board," "MSBP" or "board" means the State Board of Pharmacy.

(d) "Compounding" means (i) the production, preparation, propagation, conversion or processing of a sterile or nonsterile drug or device either directly or indirectly by extraction from substances of natural origin or independently by means of chemical or biological synthesis or from bulk chemicals or the preparation, mixing, measuring, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice, or (ii) for the purpose of, as an incident to, research, teaching or chemical analysis and not for sale or dispensing. Compounding also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine regularly observed prescribing patterns.

(e) "Continuing education unit" means ten (10) clock hours of study or other such activity as may be approved by the board, including, but not limited to, all programs which have been approved by the American Council on Pharmaceutical Education.

(f) "Deliver" or "delivery" means the actual, constructive or attempted transfer in any manner of a drug or device from one (1) person to another, whether or not for a consideration, including, but not limited to, delivery by mailing or shipping.

(g) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar

or related article, including any component part or accessory which is required under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

(h) "Dispense" or "dispensing" means the interpretation of a valid prescription of a practitioner by a pharmacist and the subsequent preparation of the drug or device for administration to or use by a patient or other individual entitled to receive the drug.

(i) "Distribute" means the delivery of a drug or device other than by administering or dispensing to persons other than the ultimate consumer.

(j) "Drug" means:

(i) Articles recognized as drugs in the official United States Pharmacopeia, official National Formulary, official Homeopathic Pharmacopeia, other drug compendium or any supplement to any of them;

(ii) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

(iii) Articles other than food intended to affect the structure or any function of the body of man or other animals; and

(iv) Articles intended for use as a component of any articles specified in subparagraph (i), (ii) or (iii) of this paragraph.

(k) "Drugroom" means a business, which does not require the services of a pharmacist, where prescription drugs or prescription devices are bought, sold, maintained or provided to consumers.

(l) "Extern" means a student in the professional program of a school of pharmacy accredited by the American Council on Pharmaceutical Education who is making normal progress toward completion of a professional degree in pharmacy.

(m) "Foreign pharmacy graduate" means a person whose undergraduate pharmacy degree was conferred by a recognized school of pharmacy outside of the United States, the District of Columbia and Puerto Rico. Recognized schools of pharmacy are those colleges and universities listed in the World Health Organization's World Directory of Schools of Pharmacy, or otherwise approved by the Foreign Pharmacy Graduate Examination Committee (FPGEC) certification program as established by the National Association of Boards of Pharmacy.

(n) "Generic equivalent drug product" means a drug product which (i) contains the identical active chemical ingredient of the same strength, quantity and dosage form; (ii) is of the same generic drug name as determined by the United States Adoptive Names and accepted by the United States Food and Drug Administration; and (iii) conforms to such rules and regulations as may be adopted by the board for the protection of the public to assure that such drug product is therapeutically equivalent.

(o) "Interchangeable biological product" or "I.B." means a biological product that the federal Food and Drug Administration:

(i) Has licensed and determined as meeting the standards for interchangeability under 42 USC Section 262(k)(4); or

(ii) Has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the federal Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations.

(p) "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

(q) "Interested directly" means being employed by, having full or partial ownership of, or control of, any facility permitted or licensed by the Mississippi State Board of Pharmacy.

(r) "Interested indirectly" means having a spouse who is employed by any facility permitted or licensed by the Mississippi State Board of Pharmacy.

(s) "Intern" means a person who has graduated from a school of pharmacy but has not yet become licensed as a pharmacist.

(t) "Manufacturer" means a person, business or other entity engaged in the production, preparation, propagation, conversion or processing of a prescription drug or device, if such actions are associated with promotion and marketing of such drugs or devices.

(u) "Manufacturer's distributor" means any person or business who is not an employee of a manufacturer, but who distributes sample drugs or devices, as defined under subsection (i) of this section, under contract or business arrangement for a manufacturer to practitioners.

(v) "Manufacturing" of prescription products means the production, preparation, propagation, conversion or processing of a drug or device, either directly or indirectly, by extraction from substances from natural origin or independently by means of chemical or biological synthesis, or from bulk chemicals and includes any packaging or repackaging of the substance(s) or labeling or relabeling of its container, if such actions are associated with promotion and marketing of such drug or devices.

(w) "Misappropriation of a prescription drug" means to illegally or unlawfully convert a drug, as defined in subsection (i) of this section, to one's own use or to the use of another.

(x) "Nonprescription drugs" means nonnarcotic medicines or drugs that may be sold without a prescription and are prepackaged and labeled for use by the consumer in accordance with the requirements of the statutes and regulations of this state and the federal government.

(y) "Person" means an individual, corporation, partnership, association or any other legal entity.

(z) "Pharmacist" means an individual health care provider licensed by this state to engage in the practice of pharmacy. This recognizes a pharmacist as a learned professional who is authorized to provide patient services.

(aa) "Pharmacy" means any location for which a pharmacy permit is required and in which prescription drugs are maintained, compounded and dispensed for patients by a pharmacist. This definition includes any location where pharmacy-related services are provided by a pharmacist.

(bb) "Prepackaging" means the act of placing small precounted quantities of drug products in containers suitable for dispensing or administering in anticipation of prescriptions or orders.

(cc) "Unlawful or unauthorized possession" means physical holding or control by a pharmacist of a controlled substance outside the usual and lawful course of employment.

(dd) "Practice of pharmacy" means a health care service that includes, but is not limited to, the compounding, dispensing,

and labeling of drugs or devices; interpreting and evaluating prescriptions; administering and distributing drugs and devices; the compounding, dispensing and labeling of drugs and devices; maintaining prescription drug records; advising and consulting concerning therapeutic values, content, hazards and uses of drugs and devices; initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved by the board; selecting drugs; participating in drug utilization reviews; storing prescription drugs and devices; ordering lab work in accordance with written guidelines or protocols as defined by paragraph (nn) of this section; providing pharmacotherapeutic consultations; supervising supportive personnel and such other acts, services, operations or transactions necessary or incidental to the conduct of the foregoing.

(ee) "Practitioner" means a physician, dentist, veterinarian, or other health care provider authorized by law to diagnose and prescribe drugs.

(ff) "Prescription" means a written, verbal or electronically transmitted order issued by a practitioner for a drug or device to be dispensed for a patient by a pharmacist. "Prescription" includes a standing order issued by a practitioner to an individual pharmacy that authorizes the pharmacy to dispense an opioid antagonist to certain persons without the person to whom

the opioid antagonist is dispensed needing to have an individual prescription, as authorized by Section 41-29-319(3).

(gg) "Prescription drug" or "legend drug" means a drug which is required under federal law to be labeled with either of the following statements prior to being dispensed or delivered:

(i) "Caution: Federal law prohibits dispensing without prescription," or

(ii) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(hh) "Product selection" means the dispensing of a generic equivalent drug product or an interchangeable biological product in lieu of the drug product ordered by the prescriber.

(ii) "Provider" or "primary health care provider" includes a pharmacist who provides health care services within his or her scope of practice pursuant to state law and regulation.

(jj) "Registrant" means a pharmacy or other entity which is registered with the Mississippi State Board of Pharmacy to buy, sell or maintain controlled substances.

(kk) "Repackager" means a person registered by the federal Food and Drug Administration as a repackager who removes a prescription drug product from its marketed container and places

it into another, usually of smaller size, to be distributed to persons other than the consumer.

(ll) "Reverse distributor" means a business operator that is responsible for the receipt and appropriate return or disposal of unwanted, unneeded or outdated stocks of controlled or uncontrolled drugs from a pharmacy.

(mm) "Supportive personnel" or "pharmacist technician" means those individuals utilized in pharmacies whose responsibilities are to provide nonjudgmental technical services concerned with the preparation and distribution of drugs under the direct supervision and responsibility of a pharmacist.

(nn) "Written guideline or protocol" means an agreement in which any practitioner authorized to prescribe drugs delegates to a pharmacist authority to conduct specific prescribing functions in an institutional setting, or with the practitioner's individual patients, provided that a specific protocol agreement between the practitioner and the pharmacist is signed * * * and * * * filed as required by law or by rule or regulation of the board.

(oo) "Wholesaler" means a person who buys or otherwise acquires prescription drugs or prescription devices for resale or distribution, or for repackaging for resale or distribution, to persons other than consumers.

(pp) "Pharmacy benefit manager" has the same meaning as defined in Section 73-21-153.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2751

Description: Mississippi Professional Massage Therapy Act; provide new requirements and extend the repealer thereon.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Public Health and Welfare
2	01/27	(S) Title Suff Do Pass Comm Sub
3	02/11	(S) Committee Substitute Adopted
4	02/11	(S) Passed {Vote}
5	02/12	(S) Transmitted To House
6	02/22	(H) Referred To Public Health and Human Services
7	02/25	(H) Title Suff Do Pass As Amended
8	03/08	(H) Amended
9	03/08	(H) Passed As Amended {Vote}
10	03/09	(H) Returned For Concurrence
11	03/18	(S) Concurred in Amend From House {Vote}
12	03/22	(S) Enrolled Bill Signed
13	03/22	(H) Enrolled Bill Signed
14	03/25	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2751

Code Section: A 073-0067-0015, A 073-0067-0017, A 073-0067-0019, A 073-0067-0021, A 073-0067-0035, A 073-0067-0039

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Harkins

Title: AN ACT TO AMEND SECTIONS 73-67-15, 73-67-17, 73-67-19, 73-67-21 AND 73-67-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE BOARD OF MASSAGE THERAPY SHALL ESTABLISH REQUIREMENTS FOR THE REGISTRATION OF MASSAGE SERVICES ESTABLISHMENTS; TO REQUIRE THE BOARD TO SHARE DOCUMENTS WITH STATE AND FEDERAL AGENCIES; TO PROVIDE THE HOURS OF TRAINING REQUIREMENTS FOR MASSAGE THERAPY PRACTICE; TO AMEND SECTION 73-67-39, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON SECTIONS 73-67-1 THROUGH 73-67-37; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Harkins To: Public Health and Welfare

SENATE BILL NO. 2751
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 73-67-15, 73-67-17, 73-67-19, 73-67-21 AND 73-67-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE BOARD OF MASSAGE THERAPY SHALL ESTABLISH REQUIREMENTS FOR THE REGISTRATION OF MASSAGE SERVICES ESTABLISHMENTS; TO REQUIRE THE BOARD TO SHARE DOCUMENTS WITH STATE AND FEDERAL AGENCIES; TO PROVIDE THE HOURS OF TRAINING REQUIREMENTS FOR MASSAGE THERAPY PRACTICE; TO AMEND SECTION 73-67-39, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON SECTIONS 73-67-1 THROUGH 73-67-37; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-67-15, Mississippi Code of 1972, is amended as follows:

73-67-15. (1) The board shall:

(a) Adopt an official seal and keep a record of its proceedings, persons licensed as massage therapists, and a record of the licenses that have been revoked or suspended;

(b) Keep on file all appropriate records pertaining to each license;

(c) Annually, on or before February 15, make a report to the Governor and Legislature of all of its official acts during the preceding year, its total receipts and disbursements, and a

full and complete report of relevant statistical and significantly notable conditions of massage therapists in this state as uniformly stipulated by the board;

(d) Evaluate the qualifications of applicants for licensure under this chapter, and advise applicants as to the acceptance or denial of licensure with any reasons for denial within forty-five (45) days;

(e) Issue licenses to applicants who meet the requirements of this chapter;

(f) Inspect, or have inspected, when required, the business premises of any licensed massage therapist during their operating hours, so long as that inspection does not infringe on the reasonable privacy of any therapist's clients;

(g) Establish minimum training and educational standards for obtaining a license under this chapter, provided that requirements do not decrease;

(h) Establish a procedure for approval of educational standards required by this chapter;

(i) Investigate persons suspected of engaging in practices that may violate provisions of this chapter;

(j) Revoke, suspend or deny a license in accordance with the provisions of this chapter;

(k) Adopt an annual budget;

(l) Establish policies with respect to continuing education;

(m) Adopt rules:

(i) Specifying standards and procedures for issuance of a provisional permit;

(ii) Specifying licensure procedures for practitioners desiring to be licensed in this state who hold an active license or credentials from another state board;

(iii) * * * Prescribing renewal procedures, requirements, dates and fees for massage therapy licenses issued by the board and shall include provisions for inactive and lapsed licenses; those rules shall be in accordance with Section 33-1-39;

(n) Make available all forms necessary for carrying out all provisions of this chapter and any and all necessary business of the board;

(o) Establish written duties of the executive director;

(p) Establish a set of reasonable and customary fines and penalties for violations of this chapter, and fees, including refund policies, which shall be standardized and not exceeded unless amended with at least thirty (30) days' notice to those who are licensed;

(q) Establish, amend or repeal any rules or regulations necessary to carry out the purposes of this chapter and the duties and responsibilities of the board. Affected practitioners shall be sent relevant changes no less than once per licensure renewal;

(r) * * * Maintain a current register listing the name of every massage therapist licensed to practice in this state,

his/her last known place of business and last known place of residence, and the date and number of his/her license;

(s) * * * Set up guidelines for the operation of schools of massage therapy, and it is charged with that regulation in this state. The board may prescribe reasonable rules and regulations governing schools of massage therapy for the guidance of persons licensed under this chapter in the operation of schools of massage therapy and in the practice of massage therapy. When the board has reasons to believe that any of the provisions of this chapter or the rules and regulations of the board have been violated, either upon receipt of a written complaint alleging those violations or upon the board's own initiative, the board or any of its authorized agents shall investigate same and may enter upon the premises of a school of massage therapy at any time during regular business hours of that school to conduct the investigation. The investigation may include, but not be limited to, conducting oral interviews with the complaining party, school or school owner(s) and/or students of the school, and reviewing records of the school pertinent to the complaint and related to an area subject to the authority of the board * * *;

(t) Set up guidelines for the registration of establishments where massage services are performed and maintain a current registry of their location, owner contact information, local business permit information and names of licensees who perform massage services at their establishments;

(u) Share documents, materials, or other information, including confidential and privileged documents, materials, or information, received or maintained by the board with other state or federal agencies and with a national disciplinary database recognized by the board or as required by law, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(v) Report final disciplinary action taken against a licensee to other state or federal regulatory agencies and to a national disciplinary database recognized by the board or as required by law.

(2) Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of the member's office. Board members shall be immune from civil liability pertaining to any legal functions involving the carrying out of the activities and responsibilities of this chapter.

SECTION 2. Section 73-67-17, Mississippi Code of 1972, is amended as follows:

73-67-17. The board may adopt rules:

(a) Establishing reasonable standards concerning the sanitary, hygienic and healthful conditions of the licensed massage therapist and of premises and facilities used by massage therapists;

(b) Relating to the methods and procedures used in the practice of massage;

(c) Governing the examination and investigation of applicants for the licenses issued under this chapter and the issuance, renewal, suspension and revocation of the license;

(d) Setting standards for certifying continuing education classes;

(e) Requiring that massage therapists supply the board with the accurate, current address or addresses where they practice massage;

(f) Establishing the educational, training and experience requirements for licensure by reciprocity;

(g) Establishing requirements for issuance and retention of an inactive license and/or provisional permits * * *;

(h) Establishing requirements for registering massage therapy establishments.

SECTION 3. Section 73-67-19, Mississippi Code of 1972, is amended as follows:

73-67-19. (1) The board shall report to the proper district attorney all cases that, in the judgment of the board, warrant prosecution.

(2) Massage therapists or establishments may not be discriminated against regarding business licenses and shall be treated as any other health care profession.

(3) Any civil penalty imposed under this section shall become due and payable when the person incurring the penalty receives a notice in writing of the penalty. The notice shall be

sent by registered or certified mail. The person to whom the notice is addressed shall have thirty (30) days from the date of mailing of the notice in which to make written application for a hearing. Any person who makes that application shall be entitled to a hearing. The hearing shall be conducted as a contested case hearing. When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, unless the amount of penalty is paid within ten (10) days after the order becomes final, it may be recorded with the circuit clerk in any county of this state. The clerk shall then record the name of the person incurring the penalty and the amount of the penalty in his lien record book.

(4) Where the board proposes to refuse to grant or renew a license or proposes to revoke or suspend a license, an opportunity for a hearing shall be accorded. The board may designate any competent person(s) to preside at the hearing. The board shall promulgate rules for the conduct of hearings and issuance of orders.

(5) The board may adopt rules requiring any person, including, but not limited to, licensed massage therapists, corporations, organizations, health care facilities and state or local governmental agencies to report to the board any conviction, determination or finding that a holder of a license has committed an act that constitutes unprofessional conduct, or to report information that indicates that the holder of a license may not be

able to practice his profession with reasonable skill and safety to consumers as a result of a mental, emotional or physical condition. If the entity fails to furnish a required report, the board may petition the circuit court of the county in which the entity resides or is found, and the court shall issue to the entity an order to furnish the required report. A failure to obey the order is a contempt of court.

(6) A person is immune from civil liability, whether direct or derivative, for providing information to the board.

(7) Upon the complaint of any citizen of this state, or upon its own motion, the board may investigate any alleged violation of this chapter. In the conduct of investigations, the board may take evidence; take the depositions of witnesses, including the person charged; compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases; require answers to * * * interrogatories; and compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(8) The board shall make available, upon request, written appeals procedures for anyone whose license has been denied, suspended or revoked, and/or for anyone accused of violating any provisions of this chapter.

(9) Any time the board intends to deny an application for licensure, or suspend or revoke an existing license, the board

shall give the person an opportunity for a hearing before taking final action.

SECTION 4. Section 73-67-21, Mississippi Code of 1972, is amended as follows:

73-67-21. (1) It shall be the responsibility of a massage therapy establishment to verify the current license of any and all persons practicing massage therapy at the location of or on behalf of the establishment. Failure to comply is subject to penalty assessed by the board of not less than Five Hundred Dollars ($500.00) and not more than One Thousand Dollars ($1,000.00) per offense.

(2) No person may advertise massage or practice massage for compensation in this state unless he is licensed as a massage therapist by the board. No person may use the title of or represent himself to be a massage therapist or use any other title, abbreviations, letters, figures, signs or devices that indicate that the person is a massage therapist unless he is licensed to practice massage therapy under the provisions of this chapter. A current massage therapy license issued by the board shall at all times be prominently displayed in any place where massage therapy is being practiced.

(3) The following are requirements for licensure:

(a) An applicant must be eighteen (18) years of age, or older, on the date the application is submitted.

(b) An application must provide proof of high school graduate equivalency.

(c) An applicant must be of legal status not only to receive a license, but also to work in the State of Mississippi with that license.

(d) An applicant must supply proof of current certification in cardiopulmonary resuscitation (CPR) and first aid of at least eight (8) hours of training, including practical testing, and supply documentation of familiarity with the Americans with Disabilities Act.

(e) All required fees for licensure must be submitted by the applicant.

(f) Any and all requirements regarding good moral character and competency, as provided for in this chapter and in accepted codes of ethics, shall be met.

(g) An applicant must have completed an approved * * * course on communicable diseases, including HIV/AIDS information and prevention.

(h) The applicant's official and certified transcript(s) from the applicant's massage therapy school. The transcript must verify that the applicant has completed a board-approved training program of no less than the minimum requirement for * * * massage therapy instruction and student clinic, with a minimum grade requirement of "C" or better in every course of instruction, as stated for school requirements.

(4) The following pre-act practitioners are exempt from having to take any examination for licensure, but must fulfill all other requirements as stated in this chapter, except for the requirements in subsection (3)(h) of this section:

(a) Those having more than three hundred (300) documented, board-accepted * * * hours of massage therapy education before January 1, 2001.

(b) Those having more than five (5) years of professional massage therapy experience and a minimum of one hundred fifty (150) hours of approved massage therapy education.

(c) Those having no formal training, but who have successfully passed the National Certification Examination for Therapeutic Massage and Bodywork.

(d) All grandfathering exemption allowances as stated in this subsection (4) shall end on July 1, 2002, for nonstudents, and on June 1, 2003, for students who were enrolled in a part-time massage school curriculum on July 1, 2001. Individuals may apply for a license until the grandfathering exemption ends, but may not practice massage beyond the allowed grace period as provided for in Section 73-67-37 unless a valid massage therapy license or provisional permit is obtained. Except as provided in subsection (5) of this section, all other pre-act practitioners and anyone not practicing massage therapy before January 1, 2001, must take and pass the licensure examination and follow the requirements in

this chapter to practice massage therapy for compensation in Mississippi.

(e) Students enrolled in a massage therapy curriculum of at least five hundred (500) hours on July 1, 2001, who complete graduation from the same curriculum.

(5) Any person who has practiced massage therapy for a period of more than twenty-five (25) years before March 14, 2005, who is employed as a massage therapist by a YMCA or YWCA authorized and existing as a nonprofit corporation under the laws of this state on March 14, 2005, is exempt from having to take any examination for licensure, but must fulfill all other requirements as stated in this chapter, except for the requirements in subsection (3)(b), (d), (g) and (h) of this section. Persons exempt under this subsection may apply for a massage therapy license until January 1, 2006, but may not practice massage therapy after January 1, 2006, unless a valid license is obtained.

(6) Certificates of registration issued by the board before July 1, 2008, shall remain valid as licenses until the next renewal period.

(7) An applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-67-27.

(a) To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(b) Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

(c) The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant

consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(d) The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

SECTION 5. Section 73-67-35, Mississippi Code of 1972, is amended as follows:

73-67-35. (1) To obtain a massage therapy license, an applicant must submit to the board the applicant's official and certified transcript(s) from the applicant's massage therapy school. The transcript must verify that the applicant has completed a board-approved training program of not less than * * * five hundred fifty (550) hours of * * * massage therapy instruction, and at least * * * fifty (50) hours of student clinic, with a minimum grade requirement of "C" or better in every course of instruction, in the following subjects:

(a) Two hundred (200) hours in massage theory and practicum;

(b) Two hundred (200) hours in science of the human body;

(c) * * * One hundred fifty (150) hours in allied modalities; and

(d) * * * Fifty (50) hours in supervised student clinic.

(2) "Massage theory and practicum" must include a minimum of the following classroom hours in the specified subject areas:

(a) Ten (10) hours in legalities including Mississippi massage law and ethics;

(b) Twenty (20) hours in history, benefits, indications and contraindications;

(c) One hundred (100) hours in massage demonstration and supervised practice, which must include, but is not limited to, client evaluation, stroking, kneading, stretching, friction, percussion, vibration, range of motion, approved hand held tools and devices designated as t-bars or knobbies, and draping and turning; and

(d) The remaining seventy (70) hours may expand on any or all of the previous three (3) subject areas and/or be related to practical massage.

(3) "Science of the human body" must include a minimum of the following classroom hours in the specified subject areas:

(a) Twenty (20) hours in anatomy, including all body systems;

(b) Twenty (20) hours in physiology, including all body systems;

(c) Twenty (20) hours in myology/kinesiology;

(d) Twenty (20) hours in neurology;

(e) Twenty (20) hours in pathology, including medical terminology; and

(f) The remaining * * * eighty (80) hours may expand on any or all of the previous six (6) subject areas and/or be related to the science of the human body.

(4) "Allied modalities" must include, but are not limited to, a minimum of the following classroom hours in the specified subject areas:

(a) Seven (7) hours in Eastern, European and Western theory/methods;

(b) Eight (8) hours in cardiopulmonary resuscitation (CPR) and first aid;

(c) Ten (10) hours in charting and documentation;

(d) Twenty-five (25) hours in hydrotherapy and infrared heat;

(e) Twenty (20) hours in referral methods within the health care system; and

(f) The remaining one hundred thirty (130) hours may expand on any or all of the previous five (5) subject areas, including the Americans with Disabilities Act, and/or be devoted to any approach to massage therapy and wellness, such as trigger points, management, communication, safety, oriental or Eastern massage techniques and specialized populations. Schools with a temporary or probationary board status license must include a

comprehensive review class of no less than sixteen (16) hours and three (3) hours to sit for and pass the board comprehensive exam.

(5) "Student clinic" must include at least fifty (50) practical hands-on one-hour massage therapy sessions to be evaluated on documents filed and kept on record at the school for a minimum of six (6) months. These evaluations are to be completed by the clients of the massage therapy sessions and shall include the client's name, address, reason for session, indications and contraindications, date and signature. Each completed session shall constitute * * * one (1) hour of student clinic. The hands-on session must be supervised by an instructor, board licensed in the area being supervised.

(6) A massage therapy program shall not operate in the State of Mississippi unless it meets the minimum standards of curriculum for licensure as stated in this chapter. Massage schools and massage curriculums for licensure preparation must obtain a national accreditation from such agencies as the Commission on Massage Therapy Accreditation or programs with the same or greater requirements. Existing massage schools will have five (5) years from July 1, 2001, to obtain that accreditation. New massage schools will have five (5) years from the opening of the massage school to show conformance with the accreditation requirements. An existing accredited massage school that loses its accreditation will have three (3) years from the date of loss of its

accreditation to show conformance with the accreditation requirements.

(7) No massage therapy program shall consist of more than forty (40) in-class clock hours per week.

(8) Hours credited through transfer credit shall not be recognized by the board unless the following transfer standards are met:

(a) The school shall be provided with a certified transcript from a school licensed or approved in that state;

(b) Courses for which credit is granted shall parallel in content and intensity to the course offered by the school;

(c) Documentation of previous training shall be included in each student's permanent file.

(9) Private business and vocational schools that have obtained national accreditation from an accrediting agency designated by the United States Department of Education may submit evidence of current accreditation in lieu of other application requests. Applications submitted on evidence of national accreditation must be approved or denied within sixty (60) days after receipt. If no action is taken within sixty (60) days, the application shall be deemed approved and a massage therapy license must be issued.

SECTION 6. Section 73-67-39, Mississippi Code of 1972, is amended as follows:

73-67-39. Sections 73-67-1 through 73-67-37 shall stand repealed on July 1, * * * 2025.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2759

Description: Temporary Assistance for Needy Families; increase the monthly amount.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S)	Referred To Public Health and Welfare
2	01/27	(S)	Title Suff Do Pass Comm Sub
3	02/04	(S)	Committee Substitute Adopted
4	02/04	(S)	Passed {Vote}
5	02/05	(S)	Transmitted To House
6	02/23	(H)	Referred To Public Health and Human Services
7	02/25	(H)	Title Suff Do Pass As Amended
8	03/08	(H)	Amended
9	03/08	(H)	Passed As Amended {Vote}
10	03/08	(H)	Motion to Reconsider Entered (Mims, McGee, Hopkins)
11	03/09	(H)	Motion to Reconsider Tabled
12	03/09	(H)	Returned For Concurrence
13	03/17	(S)	Concurred in Amend From House {Vote}
14	03/18	(S)	Enrolled Bill Signed
15	03/18	(H)	Enrolled Bill Signed
16	03/24		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2759

Code Section: A 043-0017-0005

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Fillingane

Additional Authors: Simmons (12th), Blount, Turner-Ford, Frazier, Jordan, Thomas, Simmons (13th), Norwood, Jackson (32nd), Butler, Barnett

Title: AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO INCREASE THE MONTHLY BENEFIT AMOUNT FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE REPORTS TO THE CHAIRMEN OF THE HOUSE AND SENATE PUBLIC HEALTH COMMITTEES ON THE STATUS AND EFFECTIVENESS OF CERTAIN PROGRAMS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Fillingane, Simmons (12th), Blount, Turner-Ford, Frazier, Jordan, Thomas, Simmons (13th), Norwood, Jackson (32nd), Butler, Barnett

To: Public Health and Welfare

SENATE BILL NO. 2759
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO INCREASE THE MONTHLY BENEFIT AMOUNT FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE REPORTS TO THE CHAIRMEN OF THE HOUSE AND SENATE PUBLIC HEALTH COMMITTEES ON THE STATUS AND EFFECTIVENESS OF CERTAIN PROGRAMS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-17-5, Mississippi Code of 1972, is amended as follows:

43-17-5. (1) The amount of Temporary Assistance for Needy Families (TANF) benefits which may be granted for any dependent child and a needy caretaker relative shall be determined by the county department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case, and in accordance with the rules and regulations made by the Department of Human Services which shall not be less than the Standard of Need in effect for 1988, and shall be sufficient when added to all other income (except that any income specified in the federal Social Security Act, as amended, may be disregarded) and support available to the child to provide such child with a

reasonable subsistence compatible with decency and health. The first family member in the dependent child's budget may receive an amount not to exceed * * * Two Hundred Dollars ($200.00) per month; the second family member in the dependent child's budget may receive an amount not to exceed Thirty-six Dollars ($36.00) per month; and each additional family member in the dependent child's budget an amount not to exceed Twenty-four Dollars ($24.00) per month. The maximum for any individual family member in the dependent child's budget may be exceeded for foster or medical care or in cases of children with an intellectual disability or a physical disability. TANF benefits granted shall be specifically limited only (a) to children existing or conceived at the time the caretaker relative initially applies and qualifies for such assistance, unless this limitation is specifically waived by the department, or (b) to a child born following a twelve-consecutive-month period of discontinued benefits by the caretaker relative.

(2) TANF benefits in Mississippi shall be provided to the recipient family by an online electronic benefits transfer system.

(3) The Department of Human Services shall deny TANF benefits to the following categories of individuals, except for individuals and families specifically exempt or excluded for good cause as allowed by federal statute or regulation:

(a) Families without a minor child residing with the custodial parent or other adult caretaker relative of the child;

(b) Families which include an adult who has received TANF assistance for sixty (60) months after the commencement of the Mississippi TANF program, whether or not such period of time is consecutive;

(c) Families not assigning to the state any rights a family member may have, on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance, to support from any other person, as required by law;

(d) Families who fail to cooperate in establishing paternity or obtaining child support, as required by law;

(e) Any individual who has not attained eighteen (18) years of age, is not married to the head of household, has a minor child at least twelve (12) weeks of age in his or her care, and has not successfully completed a high school education or its equivalent, if such individual does not participate in educational activities directed toward the attainment of a high school diploma or its equivalent, or an alternative educational or training program approved by the department;

(f) Any individual who has not attained eighteen (18) years of age, is not married, has a minor child in his or her care, and does not reside in a place or residence maintained by a parent, legal guardian or other adult relative or the individual as such parent's, guardian's or adult relative's own home;

(g) Any minor child who has been, or is expected by a parent or other caretaker relative of the child to be, absent from the home for a period of more than thirty (30) days;

(h) Any individual who is a parent or other caretaker relative of a minor child who fails to notify the department of the absence of the minor child from the home for the thirty-day period specified in paragraph (g), by the end of the five-day period that begins with the date that it becomes clear to the individual that the minor child will be absent for the thirty-day period;

(i) Any individual who fails to comply with the provisions of the Employability Development Plan signed by the individual which prescribe those activities designed to help the individual become and remain employed, or to participate satisfactorily in the assigned work activity, as authorized under subsection (6)(c) and (d), or who does not engage in applicant job search activities within the thirty-day period for TANF application approval after receiving the advice and consultation of eligibility workers and/or caseworkers of the department providing a detailed description of available job search venues in the individual's county of residence or the surrounding counties;

(j) A parent or caretaker relative who has not engaged in an allowable work activity once the department determines the parent or caretaker relative is ready to engage in work, or once the parent or caretaker relative has received TANF assistance

under the program for twenty-four (24) months, whether or not consecutive, whichever is earlier;

(k) Any individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the jurisdiction from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or who is violating a condition of probation or parole imposed under federal or state law;

(l) Aliens who are not qualified under federal law;

(m) For a period of ten (10) years following conviction, individuals convicted in federal or state court of having made a fraudulent statement or representation with respect to the individual's place of residence in order to receive TANF, food stamps or Supplemental Security Income (SSI) assistance under Title XVI or Title XIX simultaneously from two (2) or more states;

(n) Individuals who are recipients of federal Supplemental Security Income (SSI) assistance; and

(o) Individuals who are eighteen (18) years of age or older who are not in compliance with the drug testing and substance use disorder treatment requirements of Section 43-17-6.

(4) (a) Any person who is otherwise eligible for TANF benefits, including custodial and noncustodial parents, shall be required to attend school and meet the monthly attendance

requirement as provided in this subsection if all of the following apply:

(i) The person is under age twenty (20);

(ii) The person has not graduated from a public or private high school or obtained a High School Equivalency Diploma equivalent;

(iii) The person is physically able to attend school and is not excused from attending school; and

(iv) If the person is a parent or caretaker relative with whom a dependent child is living, child care is available for the child.

The monthly attendance requirement under this subsection shall be attendance at the school in which the person is enrolled for each day during a month that the school conducts classes in which the person is enrolled, with not more than two (2) absences during the month for reasons other than the reasons listed in paragraph (e)(iv) of this subsection. Persons who fail to meet participation requirements in this subsection shall be subject to sanctions as provided in paragraph (f) of this subsection.

(b) As used in this subsection, "school" means any one (1) of the following:

(i) A school as defined in Section 37-13-91(2);

(ii) A vocational, technical and adult education program; or

(iii) A course of study meeting the standards established by the State Department of Education for the granting of a declaration of equivalency of high school graduation.

(c) If any compulsory-school-age child, as defined in Section 37-13-91(2), to which TANF eligibility requirements apply is not in compliance with the compulsory school attendance requirements of Section 37-13-91(6), the superintendent of schools of the school district in which the child is enrolled or eligible to attend shall notify the county department of human services of the child's noncompliance. The Department of Human Services shall review school attendance information as provided under this paragraph at all initial eligibility determinations and upon subsequent report of unsatisfactory attendance.

(d) The signature of a person on an application for TANF benefits constitutes permission for the release of school attendance records for that person or for any child residing with that person. The department shall request information from the child's school district about the child's attendance in the school district's most recently completed semester of attendance. If information about the child's previous school attendance is not available or cannot be verified, the department shall require the child to meet the monthly attendance requirement for one (1) semester or until the information is obtained. The department shall use the attendance information provided by a school district to verify attendance for a child. The department shall review

with the parent or caretaker relative a child's claim that he or she has a good cause for not attending school.

A school district shall provide information to the department about the attendance of a child who is enrolled in a public school in the district within five (5) working days of the receipt of a written request for that information from the department. The school district shall define how many hours of attendance count as a full day and shall provide that information, upon request, to the department. In reporting attendance, the school district may add partial days' absence together to constitute a full day's absence.

If a school district fails to provide to the department the information about the school attendance of any child within fifteen (15) working days after a written request, the department shall notify the Department of Audit within three (3) working days of the school district's failure to comply with that requirement. The Department of Audit shall begin audit proceedings within five (5) working days of notification by the Department of Human Services to determine the school district's compliance with the requirements of this subsection (4). If the Department of Audit finds that the school district is not in compliance with the requirements of this subsection, the school district shall be penalized as follows: The Department of Audit shall notify the State Department of Education of the school district's noncompliance, and the Department of Education shall reduce the

calculation of the school district's average daily attendance (ADA) that is used to determine the allocation of Mississippi Adequate Education Program funds by the number of children for which the district has failed to provide to the Department of Human Services the required information about the school attendance of those children. The reduction in the calculation of the school district's ADA under this paragraph shall be effective for a period of one (1) year.

(e) A child who is required to attend school to meet the requirements under this subsection shall comply except when there is good cause, which shall be demonstrated by any of the following circumstances:

(i) The minor parent is the caretaker of a child less than twelve (12) weeks old; or

(ii) The department determines that child care services are necessary for the minor parent to attend school and there is no child care available; or

(iii) The child is prohibited by the school district from attending school and an expulsion is pending. This exemption no longer applies once the teenager has been expelled; however, a teenager who has been expelled and is making satisfactory progress towards obtaining a High School Equivalency Diploma equivalent shall be eligible for TANF benefits; or

(iv) The child failed to attend school for one or more of the following reasons:

1. Illness, injury or incapacity of the child or the minor parent's child;

2. Court-required appearances or temporary incarceration;

3. Medical or dental appointments for the child or minor parent's child;

4. Death of a close relative;

5. Observance of a religious holiday;

6. Family emergency;

7. Breakdown in transportation;

8. Suspension; or

9. Any other circumstance beyond the control of the child, as defined in regulations of the department.

(f) Upon determination that a child has failed without good cause to attend school as required, the department shall provide written notice to the parent or caretaker relative (whoever is the primary recipient of the TANF benefits) that specifies:

(i) That the family will be sanctioned in the next possible payment month because the child who is required to attend school has failed to meet the attendance requirement of this subsection;

(ii) The beginning date of the sanction, and the child to whom the sanction applies;

(iii) The right of the child's parents or caretaker relative (whoever is the primary recipient of the TANF benefits) to request a fair hearing under this subsection.

The child's parent or caretaker relative (whoever is the primary recipient of the TANF benefits) may request a fair hearing on the department's determination that the child has not been attending school. If the child's parents or caretaker relative does not request a fair hearing under this subsection, or if, after a fair hearing has been held, the hearing officer finds that the child without good cause has failed to meet the monthly attendance requirement, the department shall discontinue or deny TANF benefits to the child thirteen (13) years old, or older, in the next possible payment month. The department shall discontinue or deny twenty-five percent (25%) of the family grant when a child six (6) through twelve (12) years of age without good cause has failed to meet the monthly attendance requirement. Both the child and family sanction may apply when children in both age groups fail to meet the attendance requirement without good cause. A sanction applied under this subsection shall be effective for one (1) month for each month that the child failed to meet the monthly attendance requirement. In the case of a dropout, the sanction shall remain in force until the parent or caretaker relative provides written proof from the school district that the child has reenrolled and met the monthly attendance requirement for one (1) calendar month. Any month in which school is in session for at

least ten (10) days during the month may be used to meet the attendance requirement under this subsection. This includes attendance at summer school. The sanction shall be removed the next possible payment month.

(5) All parents or caretaker relatives shall have their dependent children receive vaccinations and booster vaccinations against those diseases specified by the State Health Officer under Section 41-23-37 in accordance with the vaccination and booster vaccination schedule prescribed by the State Health Officer for children of that age, in order for the parents or caretaker relatives to be eligible or remain eligible to receive TANF benefits. Proof of having received such vaccinations and booster vaccinations shall be given by presenting the certificates of vaccination issued by any health care provider licensed to administer vaccinations, and submitted on forms specified by the State Board of Health. If the parents without good cause do not have their dependent children receive the vaccinations and booster vaccinations as required by this subsection and they fail to comply after thirty (30) days' notice, the department shall sanction the family's TANF benefits by twenty-five percent (25%) for the next payment month and each subsequent payment month until the requirements of this subsection are met.

(6) (a) If the parent or caretaker relative applying for TANF assistance is work eligible, as determined by the Department of Human Services, the person shall be required to engage in an

allowable work activity once the department determines the parent or caretaker relative is determined work eligible, or once the parent or caretaker relative has received TANF assistance under the program for twenty-four (24) months, whether or not consecutive, whichever is earlier. No TANF benefits shall be given to any person to whom this section applies who fails without good cause to comply with the Employability Development Plan prepared by the department for the person, or who has refused to accept a referral or offer of employment, training or education in which he or she is able to engage, subject to the penalties prescribed in paragraph (e) of this subsection. A person shall be deemed to have refused to accept a referral or offer of employment, training or education if he or she:

(i) Willfully fails to report for an interview with respect to employment when requested to do so by the department; or

(ii) Willfully fails to report to the department the result of a referral to employment; or

(iii) Willfully fails to report for allowable work activities as prescribed in paragraphs (c) and (d) of this subsection.

(b) The Department of Human Services shall operate a statewide work program for TANF recipients to provide work activities and supportive services to enable families to become self-sufficient and improve their competitive position in the

workforce in accordance with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), as amended, and the regulations promulgated thereunder, and the Deficit Reduction Act of 2005 (Public Law 109-171), as amended. Within sixty (60) days after the initial application for TANF benefits, the TANF recipient must participate in a job search skills training workshop or a job readiness program, which shall include resume writing, job search skills, employability skills and, if available at no charge, the General Aptitude Test Battery or its equivalent. All adults who are not specifically exempt shall be referred by the department for allowable work activities. An adult may be exempt from the mandatory work activity requirement for the following reasons:

(i) Incapacity;

(ii) Temporary illness or injury, verified by physician's certificate;

(iii) Is in the third trimester of pregnancy, and there are complications verified by the certificate of a physician, nurse practitioner, physician assistant, or any other licensed health care professional practicing under a protocol with a licensed physician;

(iv) Caretaker of a child under twelve (12) months, for not more than twelve (12) months of the sixty-month maximum benefit period;

(v) Caretaker of an ill or incapacitated person, as verified by physician's certificate;

(vi) Age, if over sixty (60) or under eighteen (18) years of age;

(vii) Receiving treatment for substance abuse, if the person is in compliance with the substance abuse treatment plan;

(viii) In a two-parent family, the caretaker of a severely disabled child, as verified by a physician's certificate; or

(ix) History of having been a victim of domestic violence, which has been reported as required by state law and is substantiated by police reports or court records, and being at risk of further domestic violence, shall be exempt for a period as deemed necessary by the department but not to exceed a total of twelve (12) months, which need not be consecutive, in the sixty-month maximum benefit period. For the purposes of this subparagraph (ix), "domestic violence" means that an individual has been subjected to:

1. Physical acts that resulted in, or threatened to result in, physical injury to the individual;

2. Sexual abuse;

3. Sexual activity involving a dependent child;

4. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

5. Threats of, or attempts at, physical or sexual abuse;

6. Mental abuse; or

7. Neglect or deprivation of medical care.

(c) For all families, all adults who are not specifically exempt shall be required to participate in work activities for at least the minimum average number of hours per week specified by federal law or regulation, not fewer than twenty (20) hours per week (thirty-five (35) hours per week for two-parent families) of which are attributable to the following allowable work activities:

(i) Unsubsidized employment;

(ii) Subsidized private employment;

(iii) Subsidized public employment;

(iv) Work experience (including work associated with the refurbishing of publicly assisted housing), if sufficient private employment is not available;

(v) On-the-job training;

(vi) Job search and job readiness assistance consistent with federal TANF regulations;

(vii) Community service programs;

(viii) Vocational educational training (not to exceed twelve (12) months with respect to any individual);

(ix) The provision of child care services to an individual who is participating in a community service program;

(x) Satisfactory attendance at high school or in a course of study leading to a high school equivalency certificate, for heads of household under age twenty (20) who have not completed high school or received such certificate;

(xi) Education directly related to employment, for heads of household under age twenty (20) who have not completed high school or received such equivalency certificate.

(d) The following are allowable work activities which may be attributable to hours in excess of the minimum specified in paragraph (c) of this subsection:

(i) Job skills training directly related to employment;

(ii) Education directly related to employment for individuals who have not completed high school or received a high school equivalency certificate;

(iii) Satisfactory attendance at high school or in a course of study leading to a high school equivalency, for individuals who have not completed high school or received such equivalency certificate;

(iv) Job search and job readiness assistance consistent with federal TANF regulations.

(e) If any adult or caretaker relative refuses to participate in allowable work activity as required under this subsection (6), the following full family TANF benefit penalty will apply, subject to due process to include notification, conciliation and a hearing if requested by the recipient:

(i) For the first violation, the department shall terminate the TANF assistance otherwise payable to the family for a two-month period or until the person has complied with the required work activity, whichever is longer;

(ii) For the second violation, the department shall terminate the TANF assistance otherwise payable to the family for a six-month period or until the person has complied with the required work activity, whichever is longer;

(iii) For the third violation, the department shall terminate the TANF assistance otherwise payable to the family for a twelve-month period or until the person has complied with the required work activity, whichever is longer;

(iv) For the fourth violation, the person shall be permanently disqualified.

For a two-parent family, unless prohibited by state or federal law, Medicaid assistance shall be terminated only for the person whose failure to participate in allowable work activity caused the family's TANF assistance to be sanctioned under this paragraph (e), unless an individual is pregnant, but shall not be terminated for any other person in the family who is meeting that

person's applicable work requirement or who is not required to work. Minor children shall continue to be eligible for Medicaid benefits regardless of the disqualification of their parent or caretaker relative for TANF assistance under this subsection (6), unless prohibited by state or federal law.

(f) Any person enrolled in a two-year or four-year college program who meets the eligibility requirements to receive TANF benefits, and who is meeting the applicable work requirements and all other applicable requirements of the TANF program, shall continue to be eligible for TANF benefits while enrolled in the college program for as long as the person meets the requirements of the TANF program, unless prohibited by federal law.

(g) No adult in a work activity required under this subsection (6) shall be employed or assigned (i) when any other individual is on layoff from the same or any substantially equivalent job within six (6) months before the date of the TANF recipient's employment or assignment; or (ii) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. The Mississippi Department of Employment Security, established under Section 71-5-101, shall appoint one or more impartial hearing officers to hear and decide claims by employees of violations of this paragraph (g). The hearing officer shall hear all the evidence with respect to any claim made hereunder and such

additional evidence as he may require and shall make a determination and the reason therefor. The claimant shall be promptly notified of the decision of the hearing officer and the reason therefor. Within ten (10) days after the decision of the hearing officer has become final, any party aggrieved thereby may secure judicial review thereof by commencing an action, in the circuit court of the county in which the claimant resides, against the department for the review of such decision, in which action any other party to the proceeding before the hearing officer shall be made a defendant. Any such appeal shall be on the record which shall be certified to the court by the department in the manner provided in Section 71-5-531, and the jurisdiction of the court shall be confined to questions of law which shall render its decision as provided in that section.

(7) The Department of Human Services may provide child care for eligible participants who require such care so that they may accept employment or remain employed. The department may also provide child care for those participating in the TANF program when it is determined that they are satisfactorily involved in education, training or other allowable work activities. The department may contract with Head Start agencies to provide child care services to TANF recipients. The department may also arrange for child care by use of contract or vouchers, provide vouchers in advance to a caretaker relative, reimburse a child care provider, or use any other arrangement deemed appropriate by the department,

and may establish different reimbursement rates for child care services depending on the category of the facility or home. Any center-based or group home child care facility under this subsection shall be licensed by the State Department of Health pursuant to law. When child care is being provided in the child's own home, in the home of a relative of the child, or in any other unlicensed setting, the provision of such child care may be monitored on a random basis by the Department of Human Services or the State Department of Health. Transitional child care assistance may be continued if it is necessary for parents to maintain employment once support has ended, unless prohibited under state or federal law. Transitional child care assistance may be provided for up to twenty-four (24) months after the last month during which the family was eligible for TANF assistance, if federal funds are available for such child care assistance.

(8) The Department of Human Services may provide transportation or provide reasonable reimbursement for transportation expenses that are necessary for individuals to be able to participate in allowable work activity under the TANF program.

(9) Medicaid assistance shall be provided to a family of TANF program participants for up to twenty-four (24) consecutive calendar months following the month in which the participating family would be ineligible for TANF benefits because of increased income, expiration of earned income disregards, or increased hours

of employment of the caretaker relative; however, Medicaid assistance for more than twelve (12) months may be provided only if a federal waiver is obtained to provide such assistance for more than twelve (12) months and federal and state funds are available to provide such assistance.

(10) The department shall require applicants for and recipients of public assistance from the department to sign a personal responsibility contract that will require the applicant or recipient to acknowledge his or her responsibilities to the state.

(11) The department shall enter into an agreement with the State Personnel Board and other state agencies that will allow those TANF participants who qualify for vacant jobs within state agencies to be placed in state jobs. State agencies participating in the TANF work program shall receive any and all benefits received by employers in the private sector for hiring TANF recipients. This subsection (11) shall be effective only if the state obtains any necessary federal waiver or approval and if federal funds are available therefor. Not later than September 1, 2021, the department shall prepare a report, which shall be provided to the Chairmen of the House and Senate Public Health Committees and to any other member of the Legislature upon request, on the history, status, outcomes and effectiveness of the agreements required under this subsection.

(12) Any unspent TANF funds remaining from the prior fiscal year may be expended for any TANF allowable activities.

(13) The Mississippi Department of Human Services shall provide TANF applicants information and referral to programs that provide information about birth control, prenatal health care, abstinence education, marriage education, family preservation and fatherhood. Not later than September 1, 2021, the department shall prepare a report, which shall be provided to the Chairmen of the House and Senate Public Health Committees and to any other member of the Legislature upon request, on the history, status, outcomes and effectiveness of the information and referral requirements under this subsection.

(14) No new TANF program requirement or restriction affecting a person's eligibility for TANF assistance, or allowable work activity, which is not mandated by federal law or regulation may be implemented by the Department of Human Services after July 1, 2004, unless such is specifically authorized by an amendment to this section by the Legislature.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2785

Description: Driver's license requirements; exempt military members, spouses and dependent children under certain conditions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Highways and Transportation
2	01/27	(S) Title Suff Do Pass
3	02/10	(S) Amended
4	02/10	(S) Passed As Amended {Vote}
5	02/16	(S) Transmitted To House
6	02/24	(H) Referred To Transportation
7	03/02	(H) Title Suff Do Pass
8	03/09	(H) Passed {Vote}
9	03/09	(H) Motion to Reconsider Entered (Busby, Massengill)
10	03/11	(H) Motion to Reconsider Tabled
11	03/11	(H) Returned For Enrolling
12	03/12	(S) Enrolled Bill Signed
13	03/12	(H) Enrolled Bill Signed
14	03/17	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 063-0001-0007

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Transportation

Principal Author: Younger
Additional Authors: Butler, Jackson (11th), England, Boyd, Jackson (32nd)

Title: AN ACT TO AMEND SECTION 63-1-7, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM THE REQUIREMENTS OF DRIVER'S EXAMINATION AND

LICENSURE ACTIVE OR RESERVE DUTY MILITARY MEMBERS, THEIR SPOUSES AND DEPENDENT CHILDREN WHO ARE LICENSED AS DRIVERS UNDER A LAW REQUIRING THE LICENSING OF DRIVERS IN THEIR HOME STATE AND WHO HAVE IN THEIR IMMEDIATE POSSESSION A VALID DRIVER'S LICENSE ISSUED IN THEIR HOME STATE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Younger, Butler, Jackson (11th), England, Boyd, Jackson (32nd)

To: Highways and Transportation

SENATE BILL NO. 2785
(As Passed the Senate)

AN ACT TO AMEND SECTION 63-1-7, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM THE REQUIREMENTS OF DRIVER'S EXAMINATION AND LICENSURE ACTIVE OR RESERVE DUTY MILITARY MEMBERS, THEIR SPOUSES AND DEPENDENT CHILDREN WHO ARE LICENSED AS DRIVERS UNDER A LAW REQUIRING THE LICENSING OF DRIVERS IN THEIR HOME STATE AND WHO HAVE IN THEIR IMMEDIATE POSSESSION A VALID DRIVER'S LICENSE ISSUED IN THEIR HOME STATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-1-7, Mississippi Code of 1972, is amended as follows:

63-1-7. No license issued pursuant to this article shall be required of:

(a) Any person while operating a motor vehicle for military purposes, if the person is a member of the United States Armed Forces or Reserves on active duty, a member of the National Guard on active duty or full-time National Guard duty, a National Guard military technician, or participating in part-time National Guard training.

(b) Any nonresident person who has in his immediate possession a valid license to drive a motor vehicle on the

highways of his home state or country, issued to him by the proper authorities of his home state or country, or of any nonresident person whose home state or country does not require the licensing of a person to operate a motor vehicle on the highways but does require him to be duly registered. Such person being eighteen (18) years of age or older may operate a motor vehicle in the state for a period of sixty (60) consecutive days without securing a license. However, any nonresident person operating a motor vehicle in this state shall be subject to all the provisions of this article, except as specified above.

(c) Any person while operating a road roller, road machinery or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways.

(d) Any engineer or motorman using tracks for road or street, though used in the streets.

(e) Any person while operating an electric personal assistive mobility device as defined in Section 63-3-103.

(f) A member of any active or reserve component branch of the United States of America Armed Forces, or a spouse or a dependent child not less than sixteen (16) years of age of a member of any active or reserve component branch of the United States of America Armed Forces, who has been licensed as a driver under a law requiring the licensing of drivers in his home state and who has in his immediate possession a valid driver's license issued to him in his home state shall be permitted without

examination or license under this article to drive a motor vehicle on public roads, streets and highways of the State of Mississippi. The provisions of this paragraph shall not be affected by the person's, spouse's or dependent child's ownership of a motor vehicle registered in the State of Mississippi.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2788

Description: Radar speed detection; revise provisions concerning use by Highway Patrol and municipal law enforcement in certain cities.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Highways and Transportation
2	01/27	(S)	Title Suff Do Pass
3	02/10	(S)	Passed {Vote}
4	02/11	(S)	Transmitted To House
5	02/24	(H)	Referred To Transportation
6	03/02	(H)	Title Suff Do Pass
7	03/09	(H)	Amendment Failed
8	03/09	(H)	Passed {Vote}
9	03/09	(H)	Motion to Reconsider Entered (Busby, Massengill)
10	03/11	(H)	Motion to Reconsider Tabled
11	03/11	(H)	Returned For Enrolling
12	03/12	(S)	Enrolled Bill Signed
13	03/12	(H)	Enrolled Bill Signed
14	03/17		Approved by Governor

Amendments:
[H] Amendment No 1Lost Voice Vote

Code Section: A 063-0003-0519

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Transportation

Principal Author: Blount
Additional Authors: Frazier, Horhn, Norwood, Michel, Jackson (11th)

Title: AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROHIBITION ON THE MISSISSIPPI HIGHWAY SAFETY

PATROL SETTING UP RADAR ON HIGHWAYS IN MUNICIPALITIES WITH A POPULATION ABOVE 15,000; TO PROVIDE THAT THE MISSISSIPPI HIGHWAY SAFETY PATROL SHALL BE IMMEDIATELY NOTIFIED BY MUNICIPAL LAW ENFORCEMENT OF ANY ROAD BLOCKAGES OR EMERGENCIES OCCURRING ON ANY FEDERALLY DESIGNATED LIMITED-ACCESS HIGHWAYS LYING WITHIN THE CORPORATE LIMITS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2788

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Blount, Frazier, Horhn, Norwood, Michel, Jackson (11th)

To: Highways and Transportation

SENATE BILL NO. 2788

AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROHIBITION ON THE MISSISSIPPI HIGHWAY SAFETY PATROL SETTING UP RADAR ON HIGHWAYS IN MUNICIPALITIES WITH A POPULATION ABOVE 15,000; TO PROVIDE THAT THE MISSISSIPPI HIGHWAY SAFETY PATROL SHALL BE IMMEDIATELY NOTIFIED BY MUNICIPAL LAW ENFORCEMENT OF ANY ROAD BLOCKAGES OR EMERGENCIES OCCURRING ON ANY FEDERALLY DESIGNATED LIMITED-ACCESS HIGHWAYS LYING WITHIN THE CORPORATE LIMITS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-3-519, Mississippi Code of 1972, is amended as follows:

63-3-519. It shall be unlawful for any person or peace officer or law enforcement agency, except the Mississippi Highway Safety Patrol, to purchase or use or allow to be used any type of radar speed detection equipment upon any public street, road or highway of this state. However, such equipment may be used:

* * *(a) By municipal law enforcement officers within a municipality having a population of two thousand (2,000) or more upon the public streets of the municipality;

* * *(b) By any college or university campus police force within the confines of any campus wherein more than two thousand (2,000) students are enrolled;

* * *(c) By municipal law enforcement officers in any municipality having a population in excess of fifteen thousand (15,000) according to the latest federal census on federally designated highways lying within the corporate limits.

The Mississippi Highway Safety Patrol * * * shall be immediately notified by municipal law enforcement of any road blockages or emergencies occurring on any federally designated limited-access highways lying within the corporate limits.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2824

Description: State agencies; require annual reporting of pass-through money from line-item appropriation by the Legislature.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Accountability, Efficiency, Transparency
2	01/28	(S)	Title Suff Do Pass
3	02/09	(S)	Passed {Vote}
4	02/10	(S)	Motion to Reconsider Entered
5	02/12	(S)	Reconsidered
6	02/12	(S)	Amended
7	02/12	(S)	Passed As Amended {Vote}
8	02/23	(S)	Transmitted To House
9	02/24	(H)	Referred To Accountability, Efficiency, Transparency
10	03/01	(H)	Title Suff Do Pass As Amended
11	03/09	(H)	Amended
12	03/09	(H)	Passed As Amended {Vote}
13	03/10	(H)	Returned For Concurrence
14	03/16	(S)	Decline to Concur/Invite Conf
15	03/18	(S)	Conferees Named Polk,Hopson,Butler
16	03/23	(H)	Conferees Named Boyd,Turner,Hobgood-Wilkes
17	03/25	(S)	Conference Report Filed
18	03/25	(H)	Conference Report Filed
19	03/26	(H)	Conference Report Adopted {Vote}
20	03/28	(S)	Conference Report Adopted {Vote}
21	03/30	(H)	Enrolled Bill Signed
22	03/30	(S)	Enrolled Bill Signed
23	04/05		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2824
Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Accountability, Efficiency, Transparency

Principal Author: Hopson

Title: AN ACT TO CREATE THE "LINE-ITEM APPROPRIATION TRANSPARENCY ACT"; TO REQUIRE RECIPIENT ENTITIES THAT RECEIVE PASS-THROUGH FUNDING FROM LINE-ITEM APPROPRIATION BY THE LEGISLATURE TO ANNUALLY FILE A REPORT DETAILING THE EXPENDITURE OF THE STATE MONEY OR THE INTENDED EXPENDITURE OF ANY STATE MONEY THAT HAS NOT BEEN SPENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Hopson To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2824
(As Passed the Senate)

AN ACT TO CREATE THE "LINE-ITEM APPROPRIATION TRANSPARENCY ACT"; TO REQUIRE RECIPIENT ENTITIES THAT RECEIVE PASS-THROUGH FUNDING FROM LINE-ITEM APPROPRIATION BY THE LEGISLATURE TO ANNUALLY FILE A REPORT DETAILING THE EXPENDITURE OF THE STATE MONEY OR THE INTENDED EXPENDITURE OF ANY STATE MONEY THAT HAS NOT BEEN SPENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) This act shall be known and may be cited as the "Line-Item Appropriation Transparency Act."

(2) As used in this act, unless the context clearly indicates otherwise:

(a) "Local government entity" means any county, municipality, school district, public hospital or other political subdivision of the state.

(b) "Pass-through funding" means a line-item appropriation by the Legislature to a state agency that is itemized on a separate line in a budget and that is intended to be passed through the state agency to one or more:

(i) Local government entities;

(ii) Private organizations, including not-for-profit organizations; or

(iii) Persons in the form of a loan or grant. "Pass-through funding" may be general funds, dedicated credits, or any combination of state funding sources, and may be ongoing or one-time.

(c) "Recipient entity" means a local government entity or private entity, including a nonprofit entity, that receives money by way of pass-through funding from a state agency.

(d) "State agency" shall have the same meaning as provided in Section 27-103-103, and shall include any other subagency or board under the supervision of that state agency.

(e) "State money" means money that is owned, held or administered by a state agency and derived from state fees or tax revenues. "State money" does not include contributions or donations received by a state agency.

(3) A state agency may not provide a recipient entity state money from pass-through funding unless:

(a) The state agency enters into a written agreement with the recipient entity; and

(b) The written agreement described in paragraph (a) of this subsection requires the recipient entity to provide to the state agency the following:

(i) On or before December 31 of each year, a written description and an itemized report detailing the

expenditure of the state money, or the intended expenditure of any state money that has not been spent; and

(ii) A final written itemized report when all the state money is spent.

(4) The state agency shall timely notify the recipient entity of its obligation to provide the written reports required under subsection (3) of this section.

(5) The state agency is responsible for obtaining the written descriptions and itemized reports required under subsection (3) of this section from the recipient entity. The state agency is further responsible for providing such documents to the Lieutenant Governor, Speaker of the House of Representatives, Chairman of the Senate Appropriations Committee, Chairman of the House Appropriations Committee, and the Governor.

(6) Notwithstanding subsection (3) of this section, a state agency is not required to comply with this section to the extent that the pass-through funding is issued:

(a) Under a competitive award process;

(b) In accordance with a formula enacted in statute;

(c) In accordance with a state program under parameters in statute or rule that guides the distribution of the pass-through funding;

(d) Under the authority of the Mississippi Accountability and Adequate Education Program Act of 1997, Section 37-151-1 et seq.; or

(e) In accordance with an appropriations act of the Legislature that specifically provides an exemption from the provisions of this section.

(7) Unless a recipient entity is required to comply with Section 31-7-1 et seq. because it is an agency or public body, the fact that it is a recipient entity does not create such an obligation.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2827

Description: Public purchases; specify prequalification process for construction manager at risk soliciting bids for projects.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S) Referred To Accountability, Efficiency, Transparency
2	01/28	(S) Title Suff Do Pass
3	02/10	(S) Passed {Vote}
4	02/11	(S) Transmitted To House
5	02/25	(H) Referred To Workforce Development
6	03/02	(H) Title Suff Do Pass As Amended
7	03/09	(H) Amended
8	03/09	(H) Passed As Amended {Vote}
9	03/10	(H) Returned For Concurrence
10	03/25	(S) Concurred in Amend From House {Vote}
11	03/27	(S) Enrolled Bill Signed
12	03/27	(H) Enrolled Bill Signed
13	04/05	Approved by Governor

Amendments:

[H] Committee Amendment No 1Tabled
[H] Amendment No 2 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2827

Code Section: A 031-0007-0013.2, BF 025-0061-0009

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Workforce Development

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 31-7-13.2, MISSISSIPPI CODE OF 1972, TO REVISE THE CONSTRUCTION MANAGEMENT AT RISK METHOD

OF PROJECT DELIVERY; TO PROVIDE THAT FOR THE PURPOSES OF A QUALIFICATIONS-BASED SELECTION PROCEDURE, A CONTRACT FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES SHALL BE TREATED THE SAME AS A CONTRACT FOR ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES; TO PROVIDE THAT THE CONSTRUCTION MANAGER SELECTED BY AN AGENCY OR GOVERNING AUTHORITY TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES SHALL SOLICIT BIDS FOR CONSTRUCTION ON THE PROJECT AS PROVIDED IN THE PUBLIC PURCHASING LAW; TO PROVIDE THAT THE CONSTRUCTION MANAGER MAY PREQUALIFY VENDORS AND CONTRACTORS WITH CERTAIN QUALIFICATIONS BEFORE SOLICITING ANY BIDS OR ENTERING INTO ANY CONTRACTS; TO PROVIDE THAT A BIDDER'S CONFIDENTIAL AND PROPRIETARY INFORMATION SHALL NOT BE DISCLOSED TO ANYONE OUTSIDE OF THE AGENCY, GOVERNING AUTHORITY OR CONSTRUCTION MANAGER WITHOUT THE BIDDER'S PRIOR WRITTEN CONSENT; TO BRING FORWARD SECTION 25-61-9, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2827

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Harkins — To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2827
(As Sent to Governor)

AN ACT TO AMEND SECTION 31-7-13.2, MISSISSIPPI CODE OF 1972, TO REVISE THE CONSTRUCTION MANAGEMENT AT RISK METHOD OF PROJECT DELIVERY; TO PROVIDE THAT FOR THE PURPOSES OF A QUALIFICATIONS-BASED SELECTION PROCEDURE, A CONTRACT FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES SHALL BE TREATED THE SAME AS A CONTRACT FOR ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES; TO PROVIDE THAT THE CONSTRUCTION MANAGER SELECTED BY AN AGENCY OR GOVERNING AUTHORITY TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES SHALL SOLICIT BIDS FOR CONSTRUCTION ON THE PROJECT AS PROVIDED IN THE PUBLIC PURCHASING LAW; TO PROVIDE THAT THE CONSTRUCTION MANAGER MAY PREQUALIFY VENDORS AND CONTRACTORS WITH CERTAIN QUALIFICATIONS BEFORE SOLICITING ANY BIDS OR ENTERING INTO ANY CONTRACTS; TO PROVIDE THAT A BIDDER'S CONFIDENTIAL AND PROPRIETARY INFORMATION SHALL NOT BE DISCLOSED TO ANYONE OUTSIDE OF THE AGENCY, GOVERNING AUTHORITY OR CONSTRUCTION MANAGER WITHOUT THE BIDDER'S PRIOR WRITTEN CONSENT; TO BRING FORWARD SECTION 25-61-9, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-7-13.2, Mississippi Code of 1972, is amended as follows:

31-7-13.2 (1) When used in this section, "construction manager at risk" means a method of project delivery in which a construction manager guarantees a maximum price for the construction of a project and in which the governing authority or board, before using this method of project delivery, shall include

a detailed explanation of why using the construction manager at risk method of project delivery for a particular project satisfies the public need better than that traditional design-bid-build method based on the following criteria:

(a) The use of construction manager at risk for the project provides a savings in time or cost over traditional methods; and

(b) The size and type of the project is suitable for use of the construction management at risk method of project delivery.

(2) When the construction manager at risk method of project delivery is used:

(a) There may be a separate contract for design services and a separate contract for construction services;

(b) The contract for construction services may be entered into at the same time as a contract for the design services or later;

(c) Design and construction of the project may be in sequential or concurrent phases; and

(d) Finance, maintenance, operation, reconstruction or other related services may be included for a guaranteed maximum price.

(3) When procuring design professional services under a construction manager at risk project delivery method, the agency or governing authority shall procure the services of a design

professional pursuant to qualifications-based selection procedures.

(4) Before the substantial completion of the design documents, the agency or governing authority may elect to hire a construction manager.

(5) When procuring construction management services, the agency or governing authority shall follow the qualifications-based selection procedures as outlined in subsection (10) of this section or the competitive sealed proposal procedures as outlined in Section 31-17-13.

(6) The agency or governing authority may require the architect or engineer and the construction manager, by contract, to cooperate in the design, planning and scheduling, and construction process. The contract shall not make the primary designer or construction manager a subcontractor or joint-venture partner to the other or limit the primary designer's or construction manager's independent obligations to the agency or governing authority.

(7) Notwithstanding anything to the contrary in this chapter:

(a) Each project for construction under a construction manager at risk contract shall be a specific, single project with a minimum construction cost of Twenty-five Million Dollars ($25,000,000.00).

(b) Each project under a construction manager at risk contract shall be a specific, single project. For the purposes of this paragraph, "specific, single project" means a project that is constructed at a single location, at a common location or for a common purpose.

(8) Agencies shall retain an independent architectural or engineering firm to provide guidance and administration of the professional engineering or professional architecture aspects of the project throughout the development of the scope, design, and construction of the project.

(9) The state shall, on an annual basis, compile and make public all proceedings, records, contracts and other public records relating to procurement transactions authorized under this section.

(10) For purposes of this section, the "qualifications-based selection procedure" shall include:

(a) Publicly announcing all requirements for construction management at risk, architectural, engineering, and land surveying services, to procure these services on the basis of demonstrated competence and qualifications, and to negotiate contracts at fair and reasonable prices after the most qualified firm has been selected.

(b) Agencies or governing authorities shall establish procedures to prequalify firms seeking to provide construction management at risk, architectural, engineering, and land surveying

services or may use prequalification lists from other state agencies or governing authorities to meet the requirements of this section.

(c) Whenever a project requiring construction management at risk, architectural, engineering, or land surveying services is proposed for an agency or governing authority, the agency or governing authority shall provide advance notice published in a professional services bulletin or advertised within the official state newspaper setting forth the projects and services to be procured for not less than fourteen (14) days. The professional services bulletin shall be mailed to each firm that has requested the information or is prequalified under Section 31-7-13. The professional services bulletin shall include a description of each project and shall state the time and place for interested firms to submit a letter of interest and, if required by the public notice, a statement of qualifications.

(d) The agency or governing authority shall evaluate the firms submitting letters of interest and other prequalified firms, taking into account qualifications. The agency or governing authority may consider, but shall not be limited to, considering:

(i) Ability of professional personnel;

(ii) Past record and experience;

(iii) Performance data on file;

(iv) Willingness to meet time requirements;

(v) Location;

(vi) Workload of the firm; and

(vii) Any other qualifications-based factors as the agency or governing authority may determine in writing are applicable.

The agency or governing authority may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services.

(e) The agency or governing authority shall establish a committee to select firms to provide construction management at risk, architectural, engineering, and land surveying services. A selection committee may include at least one (1) public member nominated by a statewide association of the profession affected. The public member may not be employed or associated with any firm holding a contract with the agency or governing authority nor may the public member's firm be considered for a contract with that agency or governing authority while serving as a public member of the committee. In no case shall the agency or governing authority, before selecting a firm for negotiation under paragraph (f) of this subsection (10), seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

(f) On the basis of evaluations, discussions, and any presentations, the agency or governing authority shall select no less than three (3) firms that it determines to be qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The agency or governing authority shall then contact the firm ranked most preferred to negotiate a contract at a fair and reasonable compensation. If fewer than three (3) firms submit letters of interest and the agency or governing authority determines that one (1) or both of those firms are so qualified, the agency or governing authority may proceed to negotiate a contract under paragraph (g) of this subsection (10).

(g) The agency or governing authority shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation that the agency or governing authority determines in writing to be fair and reasonable. In making this decision, the agency or governing authority shall take into account the estimated value, scope, complexity, and professional nature of the services to be rendered. In no case may the agency or governing authority establish a maximum overhead rate or other payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees. If the agency or governing authority is unable to negotiate a satisfactory contract with the

firm that is most preferred, negotiations with that firm shall be terminated. The agency or governing authority shall then begin negotiations with the firm that is next preferred. If the agency or governing authority is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The agency or governing authority shall then begin negotiations with the firm that is next preferred. If the agency or governing authority is unable to negotiate a satisfactory contract with any of the selected firms, the agency or governing authority shall reevaluate the construction management at risk, architectural, engineering, or land surveying services requested, including the estimated value, scope, complexity, and fee requirements. The agency or governing authority shall then compile a second list of not less than three (3) qualified firms and proceed in accordance with the provisions of this section. A firm negotiating a contract with an agency or governing authority shall negotiate subcontracts for architectural, engineering, and land surveying services at compensation that the firm determines in writing to be fair and reasonable based upon a written description of the scope of the proposed services.

(11) (a) The construction manager selected by the agency or governing authority to provide construction management at risk services shall solicit bids for construction on the project pursuant to Section 31-7-13. The construction manager shall be entitled to enter into contracts for construction with the lowest

and best bidders, as determined in consultation with the agency or governing authority. Before soliciting bids or entering into any such contract, the construction manager, in consultation with the agency or governing authority, may prequalify any contractors or vendors seeking to submit a bid on the project, taking into account defined qualifications which may include, but not be limited to, the following:

(i) Past experience and performance record on projects of similar size and scope;

(ii) Current financial status and ability to provide acceptable payment and performance bonds and meet defined insurance requirements;

(iii) Current workload and backlog of committed work for the period scheduled for the project under consideration;

(iv) Safety record to include prior citations and fines if applicable;

(v) History of legal disputes or performance defaults;

(vi) Identification and experience of project personnel and required manpower;

(vii) Plan for and ability to meet the applicable project schedule; and

(viii) Any other qualification-based factors as the agency, governing authority or construction manager may determine are applicable.

(b) The construction manager, in consultation with the agency or governing authority, shall publish the defined qualifications that shall be considered in the prequalification process at least two (2) weeks in advance of any prequalification of contractors or vendors seeking to submit a bid on the project. Publication shall be in a regular newspaper published in the county or municipality in which the agency or governing authority is located. The agency or governing authority shall also post the defined prequalification requirements on its website.

(c) The failure of a bidder to provide information in a timely and complete manner in response to any prequalification process may result in the disqualification of such bidder in the discretion of the agency, governing authority, and construction manager.

(d) Except as otherwise provided in Section 25-61-9, confidential and proprietary information furnished by a bidder pursuant to this section shall not be disclosed outside of the agency, governing authority, or construction manager without the prior written consent of the bidder. The bidder shall identify and label any information considered to be confidential and proprietary at the time of submission of the same to the agency, governing authority, or construction manager.

(* * *12) The provisions of this section shall not affect any procurement by the Mississippi Transportation Commission.

SECTION 2. Section 25-61-9, Mississippi Code of 1972, is brought forward as follows:

25-61-9. (1) Records furnished to public bodies by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to third parties has been given, but the records shall be released no later than twenty-one (21) days from the date the third parties are given notice by the public body unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day time period. Any party seeking the protective order shall give notice to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure.

(2) If any public record which is held to be exempt from disclosure pursuant to this chapter contains material which is not exempt pursuant to this chapter, the public body shall separate the exempt material and make the nonexempt material available for examination or copying, or both, as provided for in this chapter.

(3) Trade secrets and confidential commercial and financial information of a proprietary nature developed by a college, university or public hospital under contract with a firm, business, partnership, association, corporation, individual or other like entity shall not be subject to inspection, examination, copying or reproduction under this chapter.

(4) Misappropriation of a trade secret shall be governed by the provisions of the Mississippi Uniform Trade Secrets Act, Sections 75-26-1 through 75-26-19.

(5) A waste minimization plan and any updates developed by generators and facility operators under the Mississippi Comprehensive Multimedia Waste Minimization Act of 1990 shall be retained at the facility and shall not be subject to inspection, examination, copying or reproduction under this chapter.

(6) Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in Section 75-26-3, and data processing software produced by a public body which is sensitive must not be subject to inspection, copying or reproduction under this chapter.

As used in this subsection, "sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

(a) Collect, process, store, and retrieve information which is exempt under this chapter.

(b) Control and direct access authorizations and security measures for automated systems.

(c) Collect, process, store, and retrieve information, disclosure of which would require a significant intrusion into the business of the public body.

(7) For all procurement contracts awarded by state agencies, the provisions of the contract which contain the commodities purchased or the personal or professional services provided, the unit prices contained within the procurement contracts, the overall price to be paid, and the term of the contract shall not be deemed to be a trade secret or confidential commercial or financial information under this section, and shall be available for examination, copying or reproduction as provided for in this chapter. Any party seeking a protective order for a procurement contract awarded by state agencies shall give notice to and provide the reasons for the protective order to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure. The notice and reasons for the protective order must be posted on the Mississippi procurement portal for a minimum of seven (7) days before filing the petition seeking the protective order in chancery court. Any party seeking a protective order in violation of this subsection may be barred by a state agency from submitting bids, proposals or qualifications for procurement for a period not to exceed five (5) years.

SECTION 3. This act shall take effect and be in force from and after its passage.

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